

March 2013 Membership Meeting Minutes

A special meeting of the Board of Directors and NDMHA Membership was called by President Larry Gullickson on March 26, 2013. Notice was sent via email and posted on Facebook. The special meeting was held via conference call on Thursday, March 28, 2013 at 10:30 am CST.

This meeting was called to order by President Larry Gullickson. A quorum participated including:

BOARD OF DIRECTORS

Glenn Bender	Lance Kennedy
Tom Erie	Dan Masseth
Kent French	Corey Theis
Larry Gullickson	Tom Wilke

MEMBERS

Gordy Entzminger	Leon Klose
Kenny Grinsteiner	Tom Ripplinger
Mike Jensen	Curt Seacrest

MEETING MINUTES

Larry Gullickson discussed park models being set and taxed as real estate and licensed as campers. Park models are not manufactured homes and do not fall within the guidelines of the Manufactured Home Installation Program.

Larry also discussed highlights from the Installation Committee Meeting held March 19, 2013. There was much discussion on pier inspections which are not currently allowed unless Local Authorities have Jurisdiction. Some of the committee members felt the wording should be changed to allow inspection of all homes set on piers. Inspections of piers is currently very inconsistent, some Local Authorities decide to inspect piers and other prefer not to inspect.

Kent French reported details from an informal meeting called by Cal Steiner on March 26, 2013. Cal Steiner, Rory Hoffmann, Ralph Leighton, Lance Kennedy, Tom Erie and Kent French participated in this last minute informal meeting.

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Discussion once again focused on pier inspections. Kent strongly opposes pier inspections and questioned the formation and purpose of the Installation Committee. This Committee was formed to provide quality homes to the public while maintaining an affordable price. The Committee is to protect the consumer.

Dan Masseth discussed purchase agreements written to “pay” for pier installation or provider pier installation. The attendees felt this warranted additional research and the customer should receive written notification of recommended pier depth.

It was moved by Tom Erie, seconded by Corey Theis, and unanimously carried that Kent French, Larry Gullickson and Dan Masseth will meet with the Attorney to develop a generic form for homebuyers to sign, which specifically addresses pier dept and option to have piers engineered.

It was moved by Lance Kennedy, seconded by Tom Ripplinger, and unanimously carried that NDMHA will write a letter to the Installation Committee in support of leaving the Standards wording in 108-03-01-11 as written. The current wording reads as “The standards do not pertain to the construction of permanent foundations. Standards for construction of permanent foundations are the responsibility of the local jurisdiction which a manufactured home is installed.”

There being no further discussion, it was moved by Larry Gullickson, seconded by Tom Wilkie, and unanimously carried that the meeting be adjourned.

Dated this 28th day of March 2013.
Date of certification of these minutes.

Larry Gullickson
President

Homes Shipped into North Dakota 2013

	Single Section	Multi Section	Monthly Total	
January	50	34	84	
February	42	35	77	
TOTAL	92	69	161	Year to Date

Total Homes Shipped into ND in 2010 = 739
Total Homes Shipped into ND in 2011 = 1867
Total Homes Shipped into ND in 2012 = 1401

Installation Committee Letter

To: North Dakota Manufactured Housing Installation Committee

Committee Members,

The North Dakota Manufactured Housing Association held a Membership Meeting on 3/28/13 to discuss possible rule changes to the installation program and other topics from recent installation training and meetings of the Installation Committee.

In this Membership Meeting the Association focused on Chapter 108-03-01 (Manufactured Home Installation Program). Members reviewed 108-03-01-11, which indicates "The Standards do not pertain to the construction of permanent foundations. Standards for construction of permanent foundations are the responsibility of the local jurisdiction in which a manufactured home is installed." Our Association is concerned that some Installation Committee Members wish to change or eliminate this portion of the rules and allow for the Installation Program to inspect, oversee, regulate, foundation construction.

A Motion was brought forward in this Membership Meeting to recommend that the language in 108-03-01-11 be left alone. The vote for this Motion was **unanimous**. There are many reasons this was written into the standards. Including but not limited to;

1. It is the same way site built homes are treated. Local jurisdictions are allowed to inspect foundations. It is up to those jurisdictions to issue permits and inspect or oversee the construction of foundations as each jurisdiction chooses. The State of North Dakota does not require site built home foundations be inspected.
2. Keeping manufactured housing an affordable option is important. Changing this standard will lead to more inspections, testing and engineering all of which is expensive and time consuming.
3. If this standard is changed, who will be qualified to inspect foundations?

By supporting the implementation of the Installation Program, NDMHA has helped give homeowners in North Dakota an improved quality and standard of installation. We have maintained a great relationship with the Dept. of Commerce and Local Jurisdictions. Our Association supported and helped create this Program. We know our industry best, which is why the Installation Committee has included our Board of Directors since its inception.

In closing, it should be clear by our **unanimous** vote, that NDMHA strongly opposes any change in the Standard that put foundation or pier inspections into this program.

Thank You,

President

LEGISLATIVE UPDATE

1. The 2013 ND Legislature has passed Senate Bill No 2174 which provides for advance notice of termination of service by a utility. NDMHA was the primary proponent of SB 2174. Testimony was presented to the Senate Industry Business and Labor committee and the House Political Subdivisions committee by various members of NDMHA showing the need for and support of SB 2174. The Senate IBL committee gave the bill a 7-0 Do Pass recommendation and then the full Senate passed the bill by a unanimous vote of 45-0 with 2 absent. In the House the committee gave the bill a 14-0 Do Pass recommendation and the full House passed the bill by a unanimous vote of 90-0 with 4 absent. SB 2174 was signed by Governor Dalrymple on March 18, 2013 and it was filed with the Secretary of State on March 22, 2013, and becomes law on August 1, 2013. SB 2174 requires a public utility to provide 10 days advance notice to a customer prior to discontinuance of service for payment delinquency as currently required by the PSC rules. In addition, the public utility must provide advance notice to a third party designated by a customer of the intention to discontinue electric or gas service because of payment delinquency either by mail at least 5 days in advance or if by electronic means then at least 3 days in advance. The customer needs to complete a form as provided or approved by the utility in order to designate and identify the third party entitled to advance notice.

2. The 2013 ND Legislature also passed Senate Bill No 2317 which establishes the requirements for a manufactured home dealer license and bonding. This legislation was a joint effort with the ND Department of Transportation, Motor Vehicle Division (the regulator) and NDMHA. Testimony was presented to both the Senate and House Industry Business and Labor committees showing the need for and support of SB 2317. The Senate IBL committee gave the bill a 7-0 Do Pass recommendation and then the full Senate passed the bill by a vote of 46-1. In the House the IBL committee gave the bill a 12-1 Do Pass recommendation and the full House passed the bill by a vote of 90-2 with 2 absent. SB 2317 was signed by Governor Dalrymple on April 1, 2013 and it was filed with the Secretary of State on April 1, 2013, and becomes law on August 1, 2013. SB 2317 basically establishes the same requirements for a manufactured home dealer license as exists with a mobile home dealer license. There remains the annual application process for a license or renewal license with a fee of \$35 but only a single license is required to operate as either or both a mobile home dealer and manufactured home dealer. Also, the bond that was established in 1971 was increased from \$10,000 to \$50,000.

3. The success of legislation introduced at the 2013 Legislative Session, namely SB 2174, has allowed NDMHA to avoid a formal hearing at the ND Public Service Commission (PSC) to obtain the relief of an advance notice requirement in law that was being requested from the utility by NDMHA. By way of review, NDMHA served a formal Complaint against Montana Dakota Utilities (MDU) and filed it with the ND PSC to demand and require advance notification for customers and interested third parties such as property owners and landlords before any electric or gas service termination occurred. The passage of SB 2174 negated the reason for pursuit of the formal Complaint with the PSC and therefore NDMHA voluntarily dismissed the Complaint that had been filed with the PSC against MDU.

4. Finally, NDMHA was instrumental in the defeat of Senate Bill No 2038 which was an attempt to synchronize taxable years for mobile homes and real property. Mobile homes pay the tax forward for the upcoming tax year while real property pays the tax backward for the past tax year. If SB 2038 would have been passed then mobile home taxes would have been paid forward at the beginning of the base year and again at the end of the year they would have been required to pay backward for the same base tax year. The net effect of the bill would have been to require the payment of a double tax by mobile home owners for the transitional base year. Thanks in part to the effort of NDMHA, the Senate Finance and Taxation committee gave the bill a 7-0 Do Not Pass recommendation and it was defeated in the Senate by a vote of 0-47.