

**FACTORY BUILT STRUCTURES ADVISORY BOARD
VIDEOCONFERENCE MEETING**

Tuesday – February 12, 2019 – 9:30 a.m. (MST)

**Division of Building Safety
1090 East Watertower Street, Suite 150, Meridian
1250 Ironwood Drive, Suite 220, Coeur d’Alene
2055 Garrett Way, Building 1, Suite 4, Pocatello**

MINUTES OF THE FEBRUARY 12, 2019 MEETING

NOTE: The following report is not intended to be a verbatim transcript of the discussions at the meeting, rather to record the significant features of those discussions.

Chairman Markus Alley called the meeting to order at 9:36 a.m. (MST)

Board Members Present:

Markus Alley, Chairman
Ken Roche
Spencer McLean
Mike Jensen
Kenna Draper
Brian Mattson – Teleconference
Jeff Chrisman – Teleconference

DBS Staff Members Present:

Ron Whitney, Deputy Administrator
Spencer Holm, Deputy Attorney General
Larry Jeffres, Regional Manager, Region 1
Patrick J. Grace, Regional Manager, Region 2
Adam Bowcutt, Regional Manager, Region 3
Shelly Farris, Regional Supervisor, Region 3
Lisa Stover, Building Program Supervisor
Renee Bryant, Administrative Assistant 2

◆ **Open Forum**

Installation Standard Checkoff List – Doug Strunk, Idaho Housing Alliance (IHA), has received questions about the checkoff list in the Idaho Installation Standard on the installation of homes. It was determined this topic would be addressed under agenda item *07 Amendments to the Idaho Installation Standard*.

Local Jurisdictions and Plans – Certain jurisdictions have questioned Scott Flynn, Indie Dwell, on permitted plans by DBS. Rules and statute state DBS have authority over modular buildings built in factories. Once it leaves a factory, and there is an insignia, it complies with code. It was determined the confusion is on the regulations of manufactured versus modular units. Jurisdictions should contact the Division’s Building program regarding questions on its approved plans.

Teri Ottens, Idaho Association of Building Officials (IDABO), suggested Mr. Flynn attend an upcoming training session by IDABO to discuss his product and issues, since the majority of IDABO members are unfamiliar with his shipping container components.

◆ **Approval of the February 12, 2019 Agenda, July 10, 2018 Draft Minutes, and November 8, 2018 Special Draft Minutes**

MOTION: Spencer McLean made a motion to approve the February 12, 2019 Agenda, July 10, 2018 draft minutes and November 8, 2018 special draft minutes as presented.

Prior to a second on the motion, Chairman Alley asked, and Deputy Attorney General Spencer Holm stated, the best practice would be to address Mr. Strunk's topic *Installation Standard Checkoff List* under Open Forum.

◆ **Open Forum (Cont'd)**

Installation Standard Checkoff List (Cont'd) – Daniel Kangas, S and D Mobile Home Set Up and Service, questioned who is responsible for completing the required HUD installation checkoff list so a new manufactured home can receive a certificate of occupancy. Currently, installers pull the installation permits and complete the form; however, believe it is the inspectors and/or building officials responsibility as they have access to the permits, as well as verify all work has been installed in accordance to the law.

Additional modifications are necessary to the Idaho Installation Standard. Deputy Administrator Ron Whitney suggested collaborative meetings be held with industry and DBS to review the Idaho Installation Standard, as well as the checklist and processes; implementing a better procedure.

◆ **Approval of the February 12, 2019 Agenda, July 10, 2018 Draft Minutes, and November 8, 2018 Special Draft Minutes (Cont'd)**

MOTION: Ken Roche made a motion to approve the February 12, 2019 Agenda, July 10, 2018 draft minutes and November 8, 2018 special draft minutes as presented. Spencer McLean seconded. All in favor, motion carried.

◆ **Statewide Training and Meeting Report**

State law requires all installers and inspectors take eight hours of continuing education every three years. A Statewide Training and Meeting report was provided in the packet. In October and November 2018, IHA offered five continuing education classes with additional training planned in the spring.

◆ **Discussion Regarding Requirements for Contractor Trade Licensing for Out-of-State Manufacturers**

Idaho has a Reciprocity Agreement with Oregon and Washington for prefabricated structures. The Chairman brought forth a life safety concern on units coming into Idaho from out-of-state manufacturers that do not have state-run programs; specifically, no license requirements and inspections. The state of Idaho cannot enforce its licensing laws on outside manufacturers; however, does complete plan reviews based on its own codes to those manufacturers. Idaho also looks at third-party agencies that inspect, based on Idaho's approved plans, units coming into Idaho from out-of-state manufacturers that may not require licensure.

◆ **Governor's Executive Orders**

In January 2019, Governor Brad Little issued the following executive orders:

Executive Order 2019-01 Licensing Freedom Act 2019 – Provides additional information on the Licensing Freedom Act, originally introduced in Executive Order (EO) 2017-06. The top two recommendations in the new EO establishes a “sunrise” review process for new proposed licenses and a “sunset” review process on existing licenses.

Executive Order 2019-02 Red Tape Reduction Act – Requires agencies to designate an existing employee as its Rules Review Officer; which is Regional Manager Patrick J. Grace for DBS. Prior

to proposing a new rule, each agency shall submit to the Division of Financial Management an impact statement; identifying the impact the proposed rule will have on individuals and small businesses. In addition, at least two existing rules will need to be repealed or significantly simplified, or a statement clearly stating why existing rules cannot be simplified or eliminated.

◆ **Eliminate Specialty License for “Mobile Home Set-Up or Installers”**

Plumbing Program Manager John Nielsen has recommended to the Plumbing Board to eliminate the mobile home specialty license since post 1976 manufactured homes have their own installations standards and are regulated by HUD. The installers would still be required to pull a permit for HVAC and plumbing.

Doug Strunk questioned whether changes need to be made to the Idaho Installation Standard as it currently requires plumbing be installed by a licensed plumber. In addition, HUD necessitates a state licensed installer. HUD’s Model Manufactured Home Installation Standard 3285 would apply if HUD handled the installation program within Idaho. Currently, Idaho handles its own program. Deputy Attorney General Spencer Holm agreed the Idaho Installation Standard will eventually need to be changed.

◆ **Manufactured Home Installation Tag**

Pursuant to statute, an installation tag must be obtained for each installation of a new manufactured home. The installer or owner of a mobile home must pay a fee for an installation tag; providing information on the home to DBS. Currently, the Division receives the same information from other sources monthly; therefore, it is redundant for the owner or installer to pay/provide the same information. The Division has researched this issue; however, has only found information in Idaho’s statute and rules. When asked, Mike Davis, Lead Inspector for Factory Built Structures, will contact the Institute for Building Technology and Safety, contractor for HUD, and confirm whether an installation tag is still necessary.

ACTION: The Lead Inspector will contact HUD’s contractor to confirm whether it is necessary to require an installation tag.

ACTION: The topic *Manufactured Home Installation Tag* will be placed as an informational item on the May 2019 Board meeting agenda.

◆ **Amendments to the Idaho Installation Standard**

The State adopts the Idaho Installation Standards for used manufactured homes installed in Idaho. Since the adoption of the 2018 edition, DBS has identified two items that need modified; roof snow loads and frost line. (A handout of the existing provision, as well as proposed amendment was provided to the Board.) Moving forward, the Division would include a page in the standard; identifying amendments since the last wholesale edition. When it’s time to adopt a whole new edition, the amendments would be incorporated into the new standard.

It was questioned whether amendments need to go through the rulemaking procedure. Deputy Attorney General Holm offered to research; bringing an answer to the May 2019 Board meeting.

ACTION: The Deputy Attorney General will provide clarification on whether code changes to an existing code cycle must go through the proper rulemaking process.

Again, Deputy Administrator Whitney recommended the collaborative meet to review the checklist and standards; determining what needs to be changed and whether administratively the changes can be made, and/or should they be a rule change.

ACTION: The topic *Amendments to the Idaho Installation Standard* will be placed as an informational item on the May 2019 Board meeting agenda.

◆ **Administrator Report**

Deputy Administrator Ron Whitney provided the Administrator Report in the absence of Administrator Chris L. Jensen.

Financial Report – The Board’s financials are in good shape. DBS has been tasked to create a fee modification schedule, which will reduce cash flow in the reserve account.

◆ **Number of Units from Out-of-State Manufacturers/Retailers Unlicensed in Idaho**

For the May 2019 Board meeting, Board Member Mike Jensen requested, and Mike Davis offered, a report of units coming from out-of-state manufacturers/retailers unlicensed in the state of Idaho.

ACTION: The Lead Inspector for Factory Built Structures will provide a report of units coming from out-of-state manufacturers/retailers unlicensed in the state of Idaho at the May 2019 Board meeting.

ACTION: The topic *Number of Units from Out-of-State Manufacturers/Retailers Unlicensed in Idaho* will be placed as an informational item on the May 2019 Board meeting agenda.

◆ **Adjournment**

MOTION: Spencer McLean made a motion to adjourn the meeting. Mike Jensen seconded. All in favor, motion carried.

The meeting adjourned at 12:14 p.m. (MST)

MARKUS ALLEY, CHAIRMAN
FACTORY BUILT STRUCTURES
ADVISORY BOARD

RON WHITNEY, DEPUTY, ADMINISTRATOR
DIVISION OF BUILDING SAFETY

DATE
05/07/2019rb

DATE