

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Rescission of Several) **File No. MX-2018-0187**
Manufactured Housing Rules)

COMMENTS OF THE STAFF OF THE MISSOURI PUBLIC SERVICE COMMISSION

Overview

This rulemaking proposes to rescind rules applicable to manufactured housing and modular units. The rulemaking specifically proposes to rescind rules in two existing Missouri Commission chapters. The rescissions proposed are meant to further the Governor's Executive Order 17-03 directing state agencies review their regulations to identify those that are ineffective, unnecessary, or unduly burdensome.

It should be noted, as the PSC is the State Administrative Agency for the Federal Housing and Urban Development Program there are certain requirements that must be met. The state of Missouri does not have a statewide building code, and many jurisdictions have no building code at all. The Manufactured Housing and Modular Units Program is the building authority for the entire state, and as such accurate and timely reporting is crucial to successful and effective inspections of new home installations. Items identified on staff inspection reports are mainly focused on safety; anchoring, supporting, utility connection, etc. and because of this the timeframe for corrections is very important.

Staff Comments Regarding Specific Proposed Rules

Each proposed rule is summarized separately below with Staff's support for why Staff recommends the Commission approve or deny the proposed rescissions.

Chapter 120 – New Manufactured Homes

4 CSR 240-120.070 Manufacturer and Dealer Reports

This section recommends rescinding this rule in its entirety, as it simply restates a Federal requirement placed on manufacturers and dealers.

After further review, Staff recommends that this rule *not* be rescinded. Subpart G of 41 CFR 3282 sets forth the requirements that a State must meet to retain its State Administrative Agency status. Section 3282.302(b)(13) requires a state, in its State Plan submitted to HUD, to indicate that State Law requires manufacturers, distributors and retailers in the State to make reports pursuant to section 614 of the Act 42 U.S.C. 5413.

4 CSR 240-120.080 Commission Reports

This section recommends rescinding this entire section, as it simply restates a Federal requirement imposed on the Program.

Staff supports this rescission as originally proposed. This rule unnecessarily restates a federal requirement imposed on the PSC.

Chapter 121 – Pre-Owned Manufactured Homes

This section recommends rescinding Chapter 121 in its entirety.

Staff supports these rescissions as originally proposed. It is rarely practical, or possible, for the Manufactured Housing and Modular Units Program to verify that older pre-owned units are up to code. On many occasions, setup information from the manufacturer of a pre-owned home is not available. In addition, it can be extremely difficult to determine if an issue with a pre-owned home is the result of a set-up or manufacturing deficiency, or a result of a lack of routine maintenance.

The Manufactured Housing and Modular Units Program currently does not perform inspections of pre-owned homes for setup related issues, partly due to the difficulties outlined above. In addition, currently effective regulations only provide for the periodic inspection of pre-owned homes rented, leased, or sold, or offered for rent, lease, or sale, by persons other than Dealers (4 CSR 240-121.050).

Should the proposed rescission be approved, the Program will continue its practice of contacting the relevant manufacturer, State Administrative Agency, and HUD if it is made aware of a situation where there may be an imminent safety hazard, or a serious manufacturing defect. In those instances, the Program will perform any inspections on behalf of HUD, as necessary.

Chapter 124 – Manufactured Home Tie-Down Systems

4 CSR 240-124.045 Anchoring Standards

This section recommends rescinding this rule in its entirety, as it is duplicative.

Upon further review, Staff recommends that this proposed rescission not be approved. While a portion of the rule is duplicative, it is not duplicative in its entirety. Staff recommends instituting a subsequent rulemaking proceeding at a future date to amend 4 CSR 240-124.045 to remove only those portions that are duplicated.

Respectfully Submitted,

/s/ Mark Johnson

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CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing were served electronically to all counsel of record this 14th day of June, 2018.

/s/ Mark Johnson