



WEST VIRGINIA
HOUSING
INSTITUTE
INC.

Volume 4 No. 1



HOME ON THE ROAD

Voice of West Virginia's factory-built housing

APRIL, 2008



WVHI seeks to improve ties with state regulators

CHARLESTON – The West Virginia Housing Institute Inc. seeks to improve relations between industry and its regulators.

Kevin Wilfong, co-president of the WVHI, appeared before the most recent meeting of the West Virginia Manufactured Housing Construction and Safety Standards Board (State Board) to discuss ways to ease tensions between the two sides.

The Division of Labor, acting on behalf of the State Board, unsuccessfully fought the WVHI's primary legislative initiative this year.

Instead of opposing each other, Wilfong said, the two sides should be talking out issues before they become a controversy.

Wilfong, co-owner of Middletown Home Sales of Fairmont, said the two sides should meet informally in "work-study session," to discuss areas of mutual concern in an atmosphere less formal than the meetings of the State Board.

(Continued on p. 5)



Repeal legislation enacted, despite opposition Returns law to last year's status

CHARLESTON — Despite powerful opposition from the state Division of Labor, Gov. Manchin has signed into law a bill that repeals the controversial dual licensing system that has troubled the manufactured housing industry.

The bill was the central piece of legislation sought for the industry this year by the West Virginia Housing Institute Inc.

DOL had the law changed last year to eliminate the old system that allowed a contractor to work on a manufactured home by subcontracting with a dealer. The DOL said the U.S. Department of Housing and Urban Development sought the change.

In fact, the federal standards the modification was supposed to deal with have not been put into place yet, an issue WVHI pointed out to lawmakers. The bill was signed April 1.

Division of Labor Commissioner David Mullins repeatedly appeared before legislative committees to stop the WVHI initiative only to be rebuffed. The bill passed the House of Delegates 98-0 and the state Senate 33-0.

The law, which is effective immediately, repeals last year's enactment, which said the subcontractor agreements no longer

(Continued on p. 5)

10Bs bad for business, Phil says

By Philip W. Fogleman
General manager Frontier Homes

This re-visiting the homesite as busy as our schedule already are puts an undue amount of time, cost, and paperwork on us when we are already burdened with service, marketing, day-to-day operations, and sales. Homeowners and sites, with any retailer, are most likely spread over three to four counties and with x-number of sales per year, translates into excessive time and expense. This unnecessary inspection by manufactured housing dealers is not required of any other industry – site built, modular, pre-fabricated units, condominiums, townhomes, timeshare, etc.

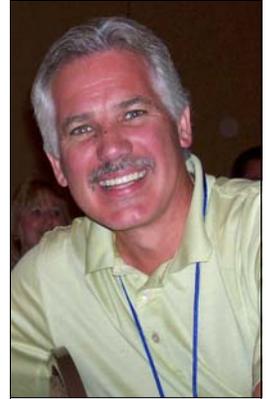
My understanding is that this scenario came about from the original Home Show group and Mr. Charles Crihfield trying to curb liability exposure. I truly believe that we have opened ourselves up to more liability because we are now the

(Continued on p. 3)

THE PODIUM

Thanks!!

On to the unfinished work



Steve Brown

Each of you did outstanding work in supporting our trade association this year. We went to the well many times to ask that you write or call legislators and then follow that with messages to Gov. Manchin and his staff, all on behalf of our repeal legislation. Manchin signed the bill into law on April 1. We thank him for that.

Not only did your enthusiastic efforts pay off, but it also showed the power of a group of people united in a common cause.

Opposition from the Division of Labor did not impede our message to our friends in the Legislature. They heard us and they repealed the dual licensing law that was enacted only last year.

It is almost unheard of: the Legislature unanimously repeals within a year a law sought by a state regulatory agency and takes the actions over the objections of the agency.

I applaud you.

Yet, I must remind you our work is only half done.

We must renew our effort to place at least two of our members on the West Virginia Manufactured Housing Construction and Safety Standards Board, our six-member regulatory panel.

Co-President Kevin Wilfong and I have had countless talks and have written numerous letters to the governor; his chief of staff, Larry Puccio; and his legislative liaison, Jim Pitrolo, to accomplish our aim of adding George Gunnell, Tom Belasco II, or Jason Stemple to the board.

Naturally, our old nemesis, DOL, is resisting. Even though it makes perfect sense to have some of our members on the board, DOL says no. Every other regulatory board in the state is filled with people whom they regulate.

Through general counsel John Teare, we have made the legal case. Through your efforts, we will make the political, economic and personal case.

We need you to remind the governor he has an obligation to heed our call that people knowledgeable about our industry ought to be among those regulating our industry. We expect no less.

And while we are extending the olive branch to the DOL, we are prepared to gird for war if their obstreperousness about our needs continues.



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Want to keep up on the latest with the factory-built housing industry in West Virginia? Want to be listed on our website or linked to it?

The West Virginia Housing Institute Inc. is at www.wvhi.org. Take a look at what we have on the site. Tell us what you want added or improved.

The inside scoop is in the members-only section. And you only have to call Andy Gallagher at (304) 346-8985 to join.

Convention Aug. 4-6 at Glade Springs

Don't forget to schedule the WVHI convention Aug. 4-6 at Glade Springs in Raleigh County, WV, near Beckley.

Scattered throughout this newsletter are forms to help you register.

This year will be even more fun than last. Please don't miss it.

Barry McCabe, president of MHI in Washington and head of Hometown America in Chicago, is the keynote speaker. He has helped guide our national organization for two years through some of its most difficult times.

Golfing and our auction are on tap to raise funds for our political action committee, which has helped us so much in recent years.

It is, after all, your convention. We hope you attend.

10B Challenge, from p. 1

“experts” via our inspection and required notification of all additions, changes, alterations or lack of attention to drainage, roof runoff, termite protection, kerosene heaters, unvented fossil fuel sources, operating humidifiers, heavy slate billiard tables in the home without additional piercing or supports, water beds, closed foundation vents, lack of foundation drains, downspouts putting water under the home, improper installation of skylights or ridge vents, mounting of satellite dishes on the home, sidewalks, damming water, improper installation of perimeter foundations, skirting systems, not addressing freeze line and shoving up of foundations on perimeter plates, improper water line installations not included in the sale, failure to heat-tape – insulate and wrap, no water backflow valves, no pressure regulator, improper installation of gas logs and operation thereof, non-use of carbon monoxide detectors, unhooking or lack of battery maintenance to smoke detectors, burning of coal in the fireplace, non-use of exhaust fans in baths and kitchens causing condensation, sweating, mildew, and rot, improper tie-in of a porch roof causing leaks and ceiling down in the original home, guttering causing ice dams at roof edges and lifting shingle tabs and allowing water to leak to the ceiling below, etc. and on and on.



Fogleman

“I urge all members to act to repeal the 10B provision ... “

The list is limitless and for a thorough inspection to be properly done would have to include all of the above and more. Mr. Johnnie Brown’s position is flawed as he is wanting a lay dealer without all the necessary certifications, schooling, and credentials, to determine what a customer can or cannot do to

his or her own home after the sale, and for components that were not part of the original sale and scope of work and responsibility.

How can the state of West Virginia require an inspection and notification to consumer by dealers without the expertise of civil and structural engineers, architects, environmental engineers, the DNR, EPA, etc? This amounts to practicing without a license. The state of West Virginia has dealers in an awkward position where we may be liable if we fail to notify, miss something, or don’t inspect in a timely manner. This state is in bad need of tort reform and the current trend is that a homeowner may not be responsible for his or her own actions and same may have a cause of action against the dealer for same’s failure to notify from the inspection process. This thinking is liberal biased and basically flawed!

I urge all members to act to repeal the 10B provision of the West Virginia Manufactured Housing Construction and Safety Standards Board. This asinine provision is piled upon our retail industry and came about by our hand’s off approach to legislation, being too busy to get involved syndrome, and the past board’s members’ inability or inaction to reign in Leff Moore. (Moore was the former industry association’s executive director.)

The same thing is going on at the national level with a weak national association and the federal bureaucracy piling on more standards through the new energy standards with more than one federal agency writing the rules. Don’t set on your laurels, take a position, be heard, and fight. As you will find out, for whatever time I am a board member, I will be outspoken in my view, majority or minority.

Remember your friends in voting and donating

Remember the sponsors of our repeal bill when you vote this year: Delegates Kenneth Tucker, D-Marshall; Dave Perry, D-Fayette; Dale Martin, D-Putnam; Bill Stemple, D-Calhoun; Don Perdue, D-Wayne; Alex Shook and Charlene Marshall, both D-Monongalia; Bill Hamilton, R-Upshur; and Kelli Sobonya, R-Cabell; and in the Senate Senators Mike Oliverio, D-Monongalia; and Roman Prezioso, D-Marion.

Oliverio went the final mile with us and Sobonya added critical support in the House of Delegates..

The bill never would have passed without Delegate Carrie Webster, D-Kanawha, and Sen. Jeff Kessler, D-Marshall.

Others who provided major assistance were Delegates Daryl Cowles, R-Morgan; Richard Browning, D-Wyoming; Mitch Carmichael, R-Jackson; Bob Tabb, D-Jefferson; Dave Pethtel, D-Wetzel; Bill Proudfoot, D-Randolph; Jonathan Miller, R-Berkeley; John Pino, D-Fayette; Tim Manchin D-Marion; Tim Miley, D-Harrison; Cliff Moore, D-McDowell; Corey Palumbo, D-Kanawha, and Tim Armstead, R-Kanawha, and Sens. Mike Hall, R-Putnam; Clark Barnes, R-Randolph; Don Caruth, R-Mercer; Mike Green, D-Raleigh; Frank Deem, R-Wood; and John Yoder, R-Jefferson.

Keep in mind, all current Senate and House members voted for the bill. And without Gov. Manchin, it would never have happened.

Help in Berkeley County

MARTINSBURG — With the zoning ordinance coming to a vote in May, you may want to know what you can do to get involved to educate Berkeley County citizens about the problems zoning poses to affordable housing.

A group has formed to help inform the residents of Berkeley County about the negative consequences zoning may have on affordable housing. This group is looking for professionals and concerned citizens to join.

Contact Andy Dimagno at adimagno@pcdimagno.com if you're interested in joining. Do it today! Time is running out! The vote on zoning will be here before you know it!

Home on the Road Newsletter

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Free subscription with paid membership dues. All advertising must be paid in advance. *Home on the Road* reserves the right to reject any advertising. Make checks payable to WVHI. Send ads with payment and news to Andy Gallagher.

Advertising rates

Full page: \$200

Half page: \$100

Quarter page: \$60

Classified: \$30 for each 3 lines

Alter ego passes, other bills of interest

HB3201: Known as the “alter ego” bill, this could help keep unscrupulous scofflaws out of industry. It allows the state Tax Department to revoke or refuse a business registration certificate to someone who has gone out of business and then attempts to revitalize a separate business using at least 20 percent of the assets or officers of the defunct corporation as a new “alter ego” business.

HB4527: Allows county commissions and municipal governments to regulate subdivisions and land development within their areas without first adopting a countywide comprehensive plan. Current law requires the comprehensive plan for regulation. This bill was particularly aimed at Marion County, and was sponsored by the delegates in that county. They said subdivisions were sprouting along Interstate 79 without planning and that the county commission was fearful voters would defeat any plan to adopt a countywide zoning ordinance.

HB 4511: Restrictive to zoning, it was sponsored by delegates primarily from the Eastern Panhandle aimed at changes being made in zoning in Jefferson County, where the county commission is rewriting the zoning plan and does not plan to present it to voters. Currently, to force the county commission to bring such a change to the voters, 15 percent of the eligible voters must sign a petition. This change reduces that figure to 10 percent.

SB622: A slight increase in the fee to release a trust deed to create a new heritage commission.

These bills of interest failed:

HB 2484: This flood control bill would make a dealer responsible for obtaining the proper certification for a home to be located in a flood plain.

HB4563: A measure aimed at restricting predatory lending practices in the state. This bill failed to get out of the House Judiciary Committee and did not make it out of the Senate Banking Committee. We joined other opponents to discourage this measure.

HB456 (SB203): Changes in foreclosure process were fought by bankers and other housing officials in the state. We supported the action.

SB 35: Would have allowed each county commission to impose a mortgage recording tax of not more than \$1 per \$1,000 of value.

HB 4132: The captive audience bill was resisted by business since it would have fettered your ability to discuss matters with your employees. It died in the state Senate after passing the House.

SB 219 (HB4455): Would allow county commissions to tax people working in the county to make money available for development in the county.

HB 4048: Would have opened your personnel files to scrutiny and copying by your employees. It passed the House Judiciary Committee, but died in the House Finance Committee.

HB4395 (SB465): Would have abolished the business franchise tax. The Senate version passed the Senate and it and the House version died in the House Finance Committee.

Industry Seeks Two On Regulatory Board

Gov. Manchin has failed to act on the most critical issue facing the manufactured housing industry this year.

The West Virginia Housing Institute Inc. believes it is important to have a stronger voice on the West Virginia Manufactured Housing Construction and Safety Standards Board (State Board), where five of the six members are not affiliated with the industry.

WVHI believes at least three seats ought to be filled by people in the industry or with a working knowledge of the industry.

DOL opposes, of course

To that end, the WVHI board has nominated George Gunnell of The Home Show of Hurricane, Tom Belasco II of Belasco Inc. of Bridgeport, and Huntington lawyer Jason Stemple to serve on the State Board. Manchin has not acted on any of those named.

Terms of two State Board members have expired and two others open this summer.

The Division of Labor is opposed to the industry having seats and has asked Manchin to reject the industry nominees.

Despite a vigorous lobbying effort by members of the WVHI board and a personal meeting between the governor's office and Co-President Steve Brown of Hurricane, board member Phil Fogleman of Summersville and general counsel John Teare of Charleston, no movement has taken place.

Two members with expired terms continue to sit on our regulatory panel and we have very little say-so in what occurs on the State Board.

Golf for a good cause!



Style Crest is sponsoring the West Virginia Housing Institute's 2008 golf outing Aug. 5. We are asking players for a donation of \$125 to fund our political action committee. Please make your personal checks to Housing PAC. We cannot accept corporate donations.

Name _____

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Repeal, p. 1

would be effective.

"We must be extremely careful now about how the Division of Labor is going to react to this change," WVHI Co-President Kevin Wilfong of Fairmont said.

Wilfong, Co-President Steve Brown of Hurricane, the WVHI board of directors and many members of WVHI were active in encouraging lawmakers and the governor to approve the change.

Wilfong, p. 1

State Board member Jack Albert of Cross Lanes disagreed.



Albert

He said the primary reason for the State Board is to protect consumers, not confer with the industry. "Our relationship with the consumer is much more important than our lobbying with the industry," Albert said. "... Primarily our basic mission is to protect the consumer."

Labor Commissioner David Mullins said he would consider the proposal as long as it does not conflict with state law.

Member Bob Miller of Charleston suggested the State Board ought to hold more meetings outside Charleston, a suggestion Wilfong welcomed.



Miller

Convention sponsor form; pull out, fill in and send this form along to join us and help support events this year at Glade Springs

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Please send your check today and become a valued member of the 2008 Convention Team that's working hard to make sure this year's annual event at The Resort at Glade Springs Aug. 4-6 is not only possible but exciting, educational and fun for all those attending. WVHI is a nonprofit organization.

West Virginia Housing Institute Inc.
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Charleston, WV 25328-2182

West Virginia Housing Institute Convention 2008



REGISTRATION FORM

August 4, 5, 6

The Resort at Glade Springs, Glade Springs, WV

Contact: Glade Springs to make your room reservations at 800 634-5233

or visit gladesprings.com

Company Name: _____

Address: _____

City: _____ State: _____ Zip _____

Names of Those Attending as it Should Appear on Name Badges: *(please print)*

_____	Adult _____	Child _____
_____	Adult _____	Child _____
_____	Adult _____	Child _____
_____	Adult _____	Child _____

REGISTRATION FEES:

- WVHI Member & Spouse/Guest \$125.00 per person if paid by June 1, 2008
\$150.00 per person after June 1
- Children Under 12 \$ 50.00 per child if paid by June 1
\$75.00 per child after June 1
- Children Under 1 year old FREE
- Non-Member Registration \$300.00 per person attending

*****Registration Fees Must Accompany Registration Form and are PER PERSON attending*****

Please return completed registration form and your check to:

WVHI Inc.
PO Box 2182
Charleston, WV 25328-2182
Questions, please call Andy 304/346-8985

Mark your calendars now – don't miss out
It's educational and fun



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DUES STRUCTURE:

MANUFACTURER: Dues shall be Fifty Dollars (\$50.00) per floor for each home shipped within the State of West Virginia to dealers, contractors, retailers or sales locations in West Virginia. These dues shall be remitted to the West Virginia Housing Institute, Inc. on a monthly basis.

_____ We will send \$50.00 per floor shipped to West Virginia on a monthly basis.

RENTAL COMMUNITY AND CONTRACTORS:- Per Annum

_____ \$100.00

ALL OTHER CATEGORIES: - Per Annum

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