

AGENDA

MANUFACTURED HOUSING BOARD

Thursday, August 10, 2023 - 10:00am

Virginia Housing Center
4224 Cox Road Glen Allen, Virginia 23060

- I. Roll Call
- II. Approval of February 9, 2023 Minutes
- III. Public Comment
- IV. New Business
 - a. Consideration of Public Participation Guidelines (Kyle Flanders item)
 - b. Consideration of Manufactured Housing Licensing and Transaction Recovery Fund (Kyle Flanders item)
- V. Old Business
 - a. Status of the accounts on the Debtor Balance Report, how debtors are pursued, and what percentage of the debts go back to the Recovery Fund (Justin Bell, legal counsel item)
- VI. Committee Reports
- VII. Construction Regulation Administrator's Report (Brian Hilderbrand)
- VIII. Secretary's Report
 - a. Transaction Recovery Fund Balance Report (FY 2023 Report)
 - b. OAG Payment Balance Report - (FY 2023 Debtor Balance Report)
 - c. Staff proposed next meeting date - February 8, 2024
 - d. Staff proposed location - Virginia Housing Center (VHC)
- IX. Adjournment

VIRGINIA MANUFACTURED HOUSING BOARD

James Trepinski, Chair
(Manufacturer Representative)

Carey L. Allen
(Public Representative)

Stephan Geiser
(Manufactured Home Dealer Representative)

Keith W. Hicks
(Public Representative)

Sean D. Hicks
(Public Representative)

Daniel J. McCormick
(Public Representative)

James W. Roncaglione
(Director's Designee)

Robbie B. Rutherford
(Manufactured Home Dealer Representative)

Michael J. Sandkuhler, Vice-Chair
(Manufacturer Representative)

**VIRGININA MANUFACTURED HOUSING BOARD
MEETING MINUTES
February 9, 2023
Virginia Housing Center
4224 Cox Road, Glen Allen, Virginia 23260**

Members Present

Members Absent

Mr. James Trepinski
Mr. Michael Sandkuhler
Ms. Carey L. Allen
Mr. Stephen Geiser
Mr. Keith W. Hicks
Mr. James W. Roncaglione
Mr. Sean D. Hicks
Mr. Daniel J. McCormick
Mr. Robbie B. Rutherford

- 8
9 Call to Order The meeting of the Manufactured Housing Board (“Board”) was
10 called to order at approximately 10:00 a.m. by Chair James Trepinski.
11
12 Roll Call The roll was called by Secretary Travis Luter and a quorum was
13 present. Mr. Justin I. Bell, legal counsel for the Board from the
14 Attorney General’s Office, was not present.
15
16 Approval of Minutes The draft minutes of the October 13, 2022 meeting in the Board
17 members’ agenda package were considered. Mr. Roncaglione moved
18 to approve the minutes as presented. The motion was seconded by Mr.
19 Rutherford and passed unanimously.
20
21 Public Comment Chair Trepinski opened the meeting for public comment. Mr. Luter
22 advised that no one had signed up to speak. Mr. Randy Grumbine was
23 given the opportunity to provide an industry update.
24
25 New Business Periodic Review of Regulations:
26
27 Mr. Kyle Flanders provided an overview of the public comment period
28 for the Periodic Review of Regulations, in this case, Public
29 Participation Guidelines and the Manufactured Housing Licensing and
30 Transaction Recovery Fund. Mr. Flanders confirmed the public
31 comment period had been completed and no comments were received
32 for either regulation.
33
34 Mr. Rutherford made a motion to amend the Public Participation
35 Guidelines, in accordance with staff recommendation, allowing anyone

36 who wishes to offer public comment be allowed to have legal counsel
37 present which would be in line with the Department of Planning and
38 Budget Guidelines and state law. The motion was seconded by Mr.
39 Keith Hicks and the motion was approved unanimously.

40
41 Mr. Sean Hicks made a motion to retain as written the Manufactured
42 Housing Licensing and Transaction Recovery Fund. The motion was
43 seconded by Ms. Allen and the motion was approved unanimously.

44
45 The amended regulations will be drafted by staff and considered at the
46 August 10, 2023 meeting.

47
48 Old Business None

49
50 Committee Reports None

51
52
53 Secretary's Report Mr. Luter provided the Board a revenue and current balance report for
54 the Transaction Recovery Fund ending December 31, 2022.

55
56 Mr. Luter provided the Board a FY 2022 Debtor's balance report for
57 the Transaction Recovery Fund provided by the AG's Office.

58
59 Mr. Luter informed the Board that legal counsel, Justin Bell, had asked
60 him to convey to the Board on his behalf that he had submitted a request
61 for updates, requested by the Board at the October 13, 2022 meeting,
62 related to the status of the accounts on the Debtor Balance Report, how
63 debtors are pursued, and what percentage of the debts go back to the
64 Recovery Fund. Mr. Bell further advised that to date no update had
65 been received.

66
67 Mr. Luter informed the Board of the current caseload and that the next
68 meeting was scheduled for August 10, 2023.

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70 Adjournment There being no further business, the meeting was adjourned by proper
71 motion at approximately 11:15 am.

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78 _____
79 Chair, Virginia Manufactured Housing Board

80
81
82 _____
83 Secretary, Virginia Manufactured Housing Board

Memorandum

To: Manufactured Housing Board

From: Kyle Flanders, Policy and Legislative Manager

RE: Public Participation Guidelines Update

Date: July, 2023

At the February 2023 meeting, the Manufactured Housing Board made a recommendation to amend the Public Participation Guidelines (13VAC6-11) as a result of a Periodic Review of the regulations. The purpose of recommending to amend the regulations was to include model language provided by the Department of Planning and Budget as a result of Chapter 795 of the 2012 Acts of Assembly. This language clarifies that persons providing public comment during the regulatory process may be represented by counsel or another representative. As the change is noncontroversial, it will likely be able to utilize the “fast-track” process for expedited review. Staff recommends the Board approve the enclosed amendments to the Public Participation Guidelines.

Enclosure

13VAC6-11-50. Public comment.

A. In considering any nonemergency, nonexempt regulatory action, the agency shall afford interested persons an opportunity to (i) submit data, views, and arguments, either orally or in writing, to the agency, and (ii) be accompanied by and represented by counsel or other representative. Such opportunity to comment shall include an online public comment forum on the Town Hall.

1. To any requesting person, the agency shall provide copies of the statement of basis, purpose, substance, and issues; the economic impact analysis of the proposed or fast-track regulatory action; and the agency's response to public comments received.
2. The agency may begin crafting a regulatory action prior to or during any opportunities it provides to the public to submit comments.

B. The agency shall accept public comments in writing after the publication of a regulatory action in the Virginia Register as follows:

1. For a minimum of 30 calendar days following the publication of the notice of intended regulatory action (NOIRA).
2. For a minimum of 60 calendar days following the publication of a proposed regulation.
3. For a minimum of 30 calendar days following the publication of a repropoed regulation.
4. For a minimum of 30 calendar days following the publication of a final adopted regulation.
5. For a minimum of 30 calendar days following the publication of a fast-track regulation.
6. For a minimum of 21 calendar days following the publication of a notice of periodic review.
7. Not later than 21 calendar days following the publication of a petition for rulemaking.

C. The agency may determine if any of the comment periods listed in subsection B of this section shall be extended.

D. If the Governor finds that one or more changes with substantial impact have been made to a proposed regulation, he may require the agency to provide an additional 30 calendar days to solicit additional public comment on the changes in accordance with § [2.2-4013](#) C of the Code of Virginia.

E. The agency shall send a draft of the agency's summary description of public comment to all public commenters on the proposed regulation at least five days before final adoption of the regulation pursuant to § [2.2-4012](#) E of the Code of Virginia.

Statutory Authority

§§ [2.2-4007.02](#) and [36-85.18](#) of the Code of Virginia



Department of Housing and Community Development

Virginia Manufactured Housing Transaction Recovery Fund (09253)

Quarterly Cash Balance Report

As of June 30, 2023

Beginning Balance - July 1, 2022		803,405.12
Revenue:		
Manufactured Home Assessment Fees	19,628.09	
Interest	15,025.28	
Total Revenue	<u>34,653.37</u>	
Expenses:		
Postage	0.00	
Travel	0.00	
Fiscal Services	0.00	
Individual Claims & Settlements	0.00	
Total Expenses	<u>0.00</u>	
Ending Balance:		<u>838,058.49</u>

Debtor Balance Report**Detail**

Interest As Of: 06/30/2023

Client: Department of Housing & Community Development
Main Street Centre 600 East Main Street, Suite 300
Richmond, VA 23219

Member: None

Status: All

Report Group: None

Sort Order: Debtor Name

Type: All

Debtor Name Claim No.	Ref. Acct. No.	Open Date	Initial Balance	Last Pmt Date	Principal Balance	Interest Balance	Fees Balance	Costs Balance	Other Balance	Current Balance
C & K Homes, Inc. 202000073.001	T-2018-06-Transaction Fund	01/16/2020	1,338.05		0.00	0.00	0.00	0.00	0.00	0.00
Court: RICGD - City of Richmond General District Court -- For: Final Order 12-13-18 -- Debtor2: Dennis Ray Kidd -- Originator: RBM - Robert B. McEntee, Jr. -- Responsible: NWW - Nanora W. Westbrook -- Status: 07/31/2020 531 - CLOSED-UNCOLLECTIBLE - NO JUDGMENT -- Status Code: 531 -- Status Date: 07/31/2020 -- Type: MHTRF - Manufactured Home Trans. Recovery Fund										
C & K Homes, Inc. 202000073.002	D-2018-06-Disciplinary Fine	01/16/2020	10,400.00		8,000.00	2,040.99	2,400.00	0.00	0.00	12,440.99
Court: RICGD - City of Richmond General District Court -- For: Final Order entered 1-23-19 -- Debtor2: Dennis Ray Kidd -- Originator: RBM - Robert B. McEntee, Jr. -- Responsible: NWW - Nanora W. Westbrook -- Status: 01/16/2020 010 - OPEN -- Status Code: 010 -- Status Date: 01/16/2020 -- Type: MHTRF - Manufactured Home Trans. Recovery Fund										
Golden Rule Homes, Inc. 202000074.001	T-2012-8-Transaction Fund	01/16/2020	3,000.00		0.00	0.00	0.00	0.00	0.00	0.00
Court: RICGD - City of Richmond General District Court -- For: Final Order entered 8-10-13 -- Originator: RBM - Robert B. McEntee, Jr. -- Responsible: NWW - Nanora W. Westbrook -- Status: 02/10/2023 531 - CLOSED-UNCOLLECTIBLE - NO JUDGMENT -- Status Code: 531 -- Status Date: 02/10/2023 -- Type: MHTRF - Manufactured Home Trans. Recovery Fund										
Golden Rule Homes, Inc. 202000074.002	D92012-8-Disciplinary	01/16/2020	1,000.00		0.00	0.00	0.00	0.00	0.00	0.00
Court: RICGD - City of Richmond General District Court -- For: Final Order entered 8-10-13 -- Originator: RBM - Robert B. McEntee, Jr. -- Responsible: NWW - Nanora W. Westbrook -- Status: 01/16/2020 010 - OPEN -- Status Code: 010 -- Status Date: 01/16/2020 -- Type: MHTRF - Manufactured Home Trans. Recovery Fund										
Glenwood Walker 201702015.001	T-2014-14 Transaction Recovery	11/29/2017	28,600.00	06/01/2023	22,000.00	5,446.36	5,345.00	0.00	0.00	32,791.36
Court: RICGD - City of Richmond General District Court -- For: Claimant:Terry Tatum-Final Order-3-30-15 -- Debtor2: Glenwood A. Walker -- Judgment Date: 05/16/2019 -- Originator: RBM - Robert B. McEntee, Jr. -- Responsible: NWW - Nanora W. Westbrook -- Status: 02/13/2023 302 - JUDGMENT -- Status Code: 302 -- Status Date: 02/13/2023 -- Type: MHTRF - Manufactured Home Trans. Recovery Fund -- Last Payment Date: 06/01/2023 -- Last Payment Amount: \$25.00										
Glenwood Walker 201702015.002	D-2014-14 Disciplinary	11/29/2017	2,600.00		2,000.00	495.12	600.00	0.00	0.00	3,095.12
Court: RICGD - City of Richmond General District Court -- For: Claimant:Terry Tatum-Final Order 3-30-15 -- Debtor2: Glenwood A. Walker -- Judgment Date: 05/16/2019 -- Originator: RBM - Robert B. McEntee, Jr. -- Responsible: NWW - Nanora W. Westbrook -- Status: 05/16/2019 302 - JUDGMENT -- Status Code: 302 -- Status Date: 05/16/2019 -- Type: MHTRF - Manufactured Home Trans. Recovery Fund										

Debtor Balance Report

Detail

Interest As Of: 06/30/2023

Client: Department of Housing & Community Development
 Main Street Centre 600 East Main Street, Suite 300
 Richmond, VA 23219

Member: None

Status: All

Report Group: None

Sort Order: Debtor Name

Type: All

Debtor Name	Open Date	Initial	Last Pmt	Principal	Interest	Fees	Costs	Other	Current
Claim No.	Ref. Acct. No.	Balance	Date	Balance	Balance	Balance	Balance	Balance	Balance
Glenwood Walker 201702016.001	T-2016-01 Transaction Recovery	20,800.00	11/29/2017 06/01/2023	16,000.00	3,960.90	3,935.00	0.00	0.00	23,895.90
Court: RICGD - City of Richmond General District Court -- For: Claimant:Elia Devora-Final Order 6-30-16 -- Debtor2: Glenwood A. Walker -- Judgment Date: 05/16/2019 -- Originator: RBM - Robert B. McEntee, Jr. -- Responsible: NWW - Nanora W. Westbrook -- Status: 02/13/2023 302 - JUDGMENT -- Status Code: 302 -- Status Date: 02/13/2023 -- Type: MHTRF - Manufactured Home Trans. Recovery Fund -- Last Payment Date: 06/01/2023 -- Last Payment Amount: \$25.00									
Glenwood Walker 201702016.002	D-2016-01 Disciplinary	3,250.00	11/29/2017	2,500.00	618.90	750.00	0.00	0.00	3,868.90
Court: RICGD - City of Richmond General District Court -- For: Claimant:Elia Devora-Final Order 6-30-16 -- Debtor2: Glenwood A. Walker -- Judgment Date: 05/16/2019 -- Originator: RBM - Robert B. McEntee, Jr. -- Responsible: NWW - Nanora W. Westbrook -- Status: 05/16/2019 302 - JUDGMENT -- Status Code: 302 -- Status Date: 05/16/2019 -- Type: MHTRF - Manufactured Home Trans. Recovery Fund									
GRAND TOTAL:		70,988.05		50,500.00	12,562.27	13,030.00	0.00	0.00	76,092.27
TOTAL COUNT:	8								