



# HOME ON THE ROAD

Voice of West Virginia's factory-built housing

APRIL, 2007



WEST VIRGINIA  
HOUSING INSTITUTE, INC.

## Welcome

### New members

#### Retailer:

#### Premier Home Center

Jonathon Bailey, president,  
GM

PO Box 270

Banner, KY 41603

Street address:

7145 N. Mayo Trail

Pikeville, KY 41501

(606) 437-9615

(606) 437-6302 (fax)

(859) 200-1153 (home)

#### Community

#### Springer Run Estates LLC

Carey W. Brincefield, man-  
ager;

Pat Toney, assistant

385 Valiant Circle,

Hedgesville, WV 25427

Mailing address: PO Box 337,

Ashton, MD 20861

(301) 854-0817;

(304) 854-0819

(301) 854-0817 (fax)

[patoney@verizon.net](mailto:patoney@verizon.net)



## The Resort at Glade Springs

### Convention forms inside

Convention July 10-12

DANIELS - A prominent leader of the factory-built housing industry and a member of the West Virginia Supreme Court keynote events this year for the manufactured housing trade association in the Mountain State.

The West Virginia Housing Institute Inc. has scheduled its annual meeting for July

(Continued on p. 5)



### J&J Troubles? Call DOL

MORGANTOWN -- The state Division of Labor suggests that anyone concerned about the closing of J&J Homes should contact the DOL.

The longtime retailer with location sat Morgantown, Reedsville and Hazleton in northern West Virginia closed its doors to customers in March, according to *The Dominion Post* of Morgantown.

Labor Commissioner David W. Mullins said his agency has not revoked the company's license. But he said inquiries about any dealer should be addressed to the division at (304) 558-7890.

While manufactured housing remains on the lot, access to the J&J facilities has been cordoned off with flagged rope.

DOL has a trust fund to deal with aggrieved customers.

### Legislature: D and education

CHARLESTON -- Much of the effort of the factory-built housing industry in the 2007 legislative session was taken up in defense and in beginning the education process for proposed legal changes next year.

The industry successfully supported a bill this year that should help expand the market for manufactured housing purchases and a separate measure to reduce business taxes.

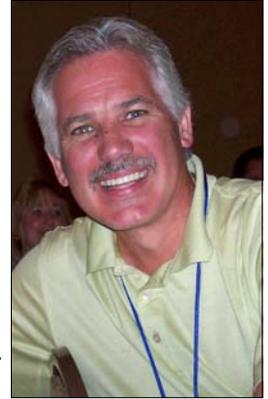
Last year, several businesses, including the factory-built housing industry, suffered through considerable turmoil over attempts by the Office of Emergency Services to impose new standards on the industry concerning the location of our homes in floodplains.

Those issues were consolidated into two bills this year, **HB 2484**

(Continued on p. 3)

# THE PODIUM

Let's have a convention  
and invite everyone



Steve Brown

Your West Virginia Housing Institute Inc. want to encourage you to invite to this year's convention anyone who might have an interest in our industry. It takes place July 10-12 at The Resort at Glade Springs, just outside Beckley, WV.

This year's speaker lineup is super. And we want to expand the fraternity we have been building to make our association even stronger than it has been in the past. While other conventions are shrinking or even disappearing, ours has grown.

For speakers, we have concentrated on the areas we thought were of paramount importance not only to our industry, but business in general.

First of all, we have Rick Strachan, executive vice president of Clayton Homes Inc. and president CMH Manufacturing Inc., the industry giant. To hear what Rick has to say should be mandatory for everyone with an interest in the industry developing.

Secondly, we have West Virginia Supreme Court Justice Brent Benjamin. Justice Benjamin is the first Republican to be elected to the five-member court in ages and is considered a business-oriented jurist. He defeated liberal Justice Warren McGraw in the most expensive judicial race in the nation in 2004.

I have long complained about West Virginia being a "judicial hellhole". I hope Justice Benjamin will address that.

Industry nuts and bolts issues will be addressed by the lineup of chief state regulator Mitch Woodrum; the legal panel headed by Bowles Rice attorney John R. Teare Jr.; Minute Man Products representative Scott Moreno, speaking of tiedowns and frostlines. We also will have a Kanawha County sheriff's deputy to talk with us about the growing danger of meth labs in our homes.

There's lots of other work, too. The 14-member board has two vacancies we need you to help fill. Next year is an election year and we should begin discussing candidates we want to help or oppose.

And, how about entertainment? This is supposed to be a superior golf venue and I am excited to get onto the links to try my clubs. In addition to that, there is the nearby exhibition coal mine; best whitewater rafting you ever want to see; the massive Bluestone Dam on the New River; nightly outdoor theater at Grandview, just to name a few highlights and those are going off-campus. We plan a magnificent banquet with entertainment and our fund-raising auction.

Glade Springs is the ideal setting where the full family can have a good time in comfort and safety well off the interstate but close enough for easy access. The cost of the event is reasonable.

Ignorance of our industry is our worst enemy; openness and candor our best friends. If you know anybody with an interest, how about asking them to come along this year? It will be fun and they might just learn some new things about our industry.



West Virginia Housing Institute, Inc.  
PO Box 2182  
1118 Kanawha Blvd. East  
Charleston, WV 25328-2182  
(304) 346-8985

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](http://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.



## Legal, other filings

**CHARLESTON –**  
New legal decisions and filings that affect the factory-built housing industry are accessible on the West Virginia Housing Institute Inc. website at

[www.wvhi.org](http://www.wvhi.org).

WVHI is making changes to the website to assist both those in and outside the industry to gain a greater understanding of the manufactured housing business.

The decisions will be posted as received by WVHI to alert industry members to new legal trends adopted by the courts.

WVHI is also grouping together all state law dealing with the manufactured housing industry and will post those in another section of the website.

Future postings planned include forms that will be helpful to you so you can draw them down from the internet without having to order them through the central office, and legal agreements, such as leases, which can be viewed and used by anyone needing them.

WVHI recently posted its 2006-2007 membership so people doing business in the state will be encouraged to work with dues-paying members of the industry.

From p. 1, Legislature

and **2485**, which were not taken up by the Legislature this year.

"As originally written, we found the proposals punitive toward our industry and others," said Andy Gallagher, executive director of the West Virginia Housing Institute Inc.

Approved this year was **HB 2388**, funding for the Affordable Housing Trust Fund. This bill would add a \$20 fee on each real estate sale and the sales of manufactured homes to build a state fund to help finance low- to moderate-income home buying.

Members of the West Virginia Housing Institute Inc. are expected to benefit greatly from this priming of the housing sector with additional money. The longrange plan is for companion federal legislation to pass to enable the housing trust to pull down a 3-1 federal match using available state funds.

Kevin Wilfong of Fairmont, co-president of WVHI, is a member of the trust fund board.

Some tax relief should result from **SB 749**, which reduces the business franchise tax from 0.55 to 0.2 percent over a five-year period. The cuts would begin in January 2009 and should result in a savings of \$75 million a year when completed.

WVHI was successful initially with its primary bill, **HB 2542**, which would impose a statute of limitations on lawsuits against the industry.

The bill was approved by the House Industry and Labor Committee, which is chaired by Delegate Kenneth Tucker, D-Marshall.

However, Gallagher and WVHI General Counsel John R. Teare Jr. decided to delay further action on the measure when it reached the House Judiciary Committee.



Webster

New chairwoman, Delegate Carrie Webster, D-Kanawha, raised some issues that concerned her about how the measure was written and who it would effect.

"We hope to take some additional time to address those issues and get back to Chairwoman Webster to see if we can alleviate her concerns," Teare said.

Currently, the industry faces a bewildering array of laws concerning its longterm civil liability for home installations. Furthermore, the industry and state regulator standpoint is, consumers already have an effective longterm administrative remedy for their complaints through the West Virginia Manufactured Housing Construction and Safety Standards Board.

Depending on who is reviewing the question, industry liability could be two years, or two years from when a defect is found, or four years under the Uniform Commercial Code, or 10 years under a written contract. One plaintiff's lawyer even said the liability extends to the full period of the outstanding loan, plus 10 additional years.

"We are meeting with our best minds to devise a compromise that we hope will be acceptable to anyone involved in the industry," Teare said.

State Chamber of Commerce President Steve Roberts said his organization is interested in the longrange liability issue, too.

WVHI's bill of second importance, **HB 2954**, would have added the words "manufacturer" and "contractor" to those business entities that must be given an opportunity to fix a problem found by a consumer before the consumer can sue them in court.

This concept is generally known as the "cure" law since a seller is given a 20-day opportunity to "cure" any defect the consumer finds before the consumer can sue. This bill was placed on a priority watch list kept by the state Chamber of Commerce for bills it supported this year. The bill was not taken up in the House of Delegates.

"We hope to educate legislators over the summer to the advantage of this proposal and return it next year," Gallagher said.

## I-77 woes continue

Editor:

I was writing to inquire as to why there are only 3 people working in the tunnels on Interstate-77.

Before VDOT said that it was too expensive to work at night but now they are. We now can't use the tunnels in the morning hours but on our return trips they are blocked and backed up for miles and we are forced to go around again.

These miles really add up and with the cost of diesel remaining up and getting higher something has to be done. Also we are getting delayed on other routes in Virginia with construction also while trying to bypass the tunnels.

Surely some solution can be met. W.Va. has enough problems trying to conduct business as is... and we hear that West Virginia is open for business... how can that be when the roads are not accessible. Thank you for your time.

David Brown, Brown's Mobile Home Towing

### Home on the Road Newsletter

**Editor:** Andy Gallagher

WVHI

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**Home on the Road** is a publication of the West Virginia Housing Institute Inc., published four times a year (March, June, September and December).

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

## July 10-12 convention agenda

*Tuesday, July 10, 2007*

1:00 p.m.

**Registration Desk Opens**

1:00 – 3:30 p.m.

WVHI Inc. Board Meeting

4:00 p.m.

Check-in Time at Glade Springs

5:00 – 5:30 p.m.

**Welcome session:**

Featured speaker Honorable Brent Benjamin, only Republican member of the West Virginia Supreme Court, elected to the five-member panel in 2004.

5:30 – 9:30 p.m.

**Welcome reception.** Barbecue with hot dogs, hamburgers and a fun evening.

*Wednesday, July 11, 2007*

8:00 – 8:15 a.m.

**Annual meeting** with election of officers

8:15 –9:00 a.m.

**Morning session:**

**Kanawha County Sheriff's Department**, to speak of the dangers of meth labs being established in our homes and the contamination and dangers resulting in resales of those homes.

9:00-9:45 a.m.

**Scott Moreno** of Minute Man Products speaking about frostline limits and tie downs.

9:45-10:30 a.m.

**Mitch Woodrum**, director of the manufactured housing section of the Division of Labor. Mr. Woodrum, who heads our regulatory program, will discuss proposed legislative changes and entertain your concerns at a question & answer session immediately following.

11 a.m.

**Golf Tournament begins.** First tee time at the luxurious Glade Springs golf courses just outside the convention hall doorways.

**Free Time**

**Not a player** – Just over the hill is the breathtaking New River Gorge. Join in the most magnificent whitewater rafting in the East, visit the highest arch bridge this side of the Mississippi, go to the Beckley Exhibition Coal Mine, visit Bluestone Dam.

6:00 p.m. – 10 p.m.

**Reception and banquet: Rick Strachan**, Executive Vice President, Clayton Homes Inc., and President, CMH Manufacturing Inc., will be our dinner speaker. **Judy Ritchie** will be repeating our political action committee-fundraising auction.

*Thursday, July 12, 2007*

9:00 –10:30 a.m.

**Legal Forum.** Hosted by **John Teare**, Bowles Rice McDavid Graff & Love, PLLC. This is your opportunity for the best legal advice the industry can offer at a price you can't afford to miss.

10-12 at The Resort at Glade Springs at Daniels, Raleigh County.

“Our primary effort this year was to attract a top-notch industry leader to give us an idea of where we are going in the future,” said WVHI Co-President Steve Brown of Hurricane. With is wife, Pam, he is owner of The Home Shows, a chain of 11 retail outlets in West Virginia and Kentucky. “No one could be better at this than Rick Strachan.”



The industry has suffered through a five-year depression with sales dropping and financing difficult to achieve in some instances.

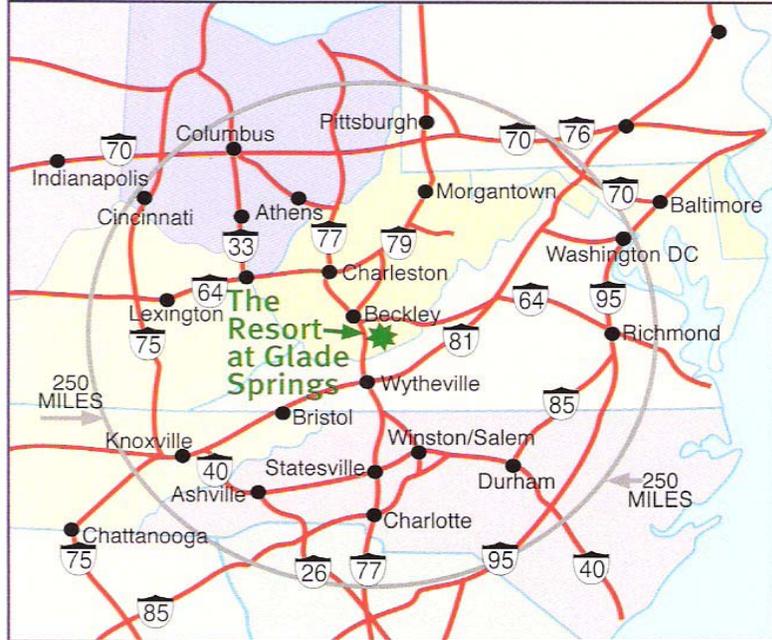
Strachan

Addressing the main banquet affair on July 11 will be Rick Strachan, executive vice president of Clayton Homes Inc. and president CMH Manufacturing Inc., the industry giant.

Clayton includes 41 manufacturing facilities, 453 company-owned retail sales outlets, 80 communities and subdivisions, with more than \$17 billion in portfolio for over 400,000 customers and insurance protection for 135,000 families, according to the company’s news release.

“As a companion speaker, we wanted to have someone who could address the concerns that focused the attention of West Virginia’s voters in the last judicial election on litigation in the state,” said WVHI Co-President Kevin Wilfong of Fairmont, owner of Middletown Home Sales.

The first night’s speaker will be state Supreme Court Justice Brent Benjamin., of Charleston, a Republican, who was elected to a 12-year



### Directions to The Resort at Glade Springs

#### Looking for board members

CHARLESTON – The recent resignation of charter board member Bill Owens of Barboursville has created two vacancies on the 14-member board of directors of the West Virginia Housing Institute Inc.

Owens left the board after changing his position within the industry. A separate vacancy has existed since last year.

The board has asked for nominations to be considered when the annual convention meeting is held July 11 at The Resort at Glade Springs.

term on the court in 2004.



Benjamin

West Virginia has been trying to eliminate the “judicial hellhole” tag it was printed with in that election when Benjamin defeated incumbent state Supreme Court Justice Warren R. McGraw.

This third annual meeting of the Institute is expected to draw more than 150 retailers, manufacturers, suppliers, lawyers, financial leaders and other official from both inside and outside West Virginia.

Chief state regulator Mitch Woodrum, head of the Division of Labor’s manufactured housing section of the West Virginia Manufactured Housing Construction and Safety Standards Board; Scott Moreno, of Minute Man Products; and a Kanawha County sheriff’s deputy spokesman, also will make presentations.



Woodrum



Teare

Woodrum will address regulatory concerns; Moreno will discuss issues that relate to tie downs of homes and frost-line considerations; while the sheriff’s office will talk about manufactured housing contamination resulting from a proliferation of methamphetamine labs.

Wrapping up will be Charleston attorney John R. Teare Jr. and a strong legal panel on Friday morning.

### Law change June 10

CHARLESTON -- The 2007 Legislature changed the manufactured housing law to meet federal requirement that people involved in the installation of HUD-certified homes (not modulars) be licensed and attend continuing education classes.

To meet that requirement the exemption from licensure was removed. The change was approved on March 10.

**It goes into effect June 10, with enforcement July 1.**

The new code section reads like this:

#### §21-9-2. Definitions

(c) "Contractor" means any person who performs operations in this state at the occupancy site which render a manufactured home fit for habitation. The operations include, without limitation, installation or construction of the foundation, positioning, blocking, leveling, supporting, tying down, connecting utility systems, making minor adjustments or assembling multiple or expandable units. The operations also include transporting the unit to the occupancy site by other than a motor carrier regulated by the West Virginia public service commission.

Contractor does not include a person who personally does work on a manufactured home which the person owns or leases.

Eliminated was this provision:

Contractor does not include:

(2) A person who is licensed under article eleven of this chapter and is performing work on a manufactured home pursuant to a contract with a person licensed under section nine of this article.

**Questions? call Shirley Starcher at (304) 558-7890 Ext. 138.**

# Commander Housing

Cape Cods, Multi-Box, & 2-Story's



Cedar Log Siding & Porches



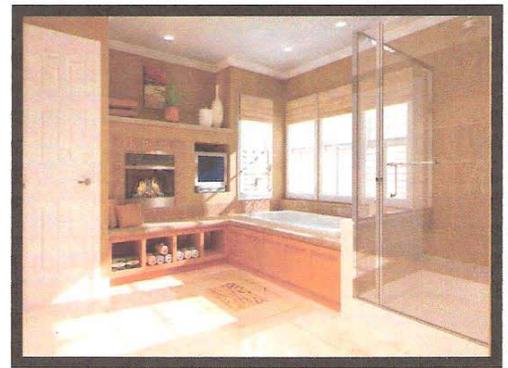
## Who we are

- Division of Champion
- Northern Built
- Full-line Manufacturer

Elite Series of Affordable Homes



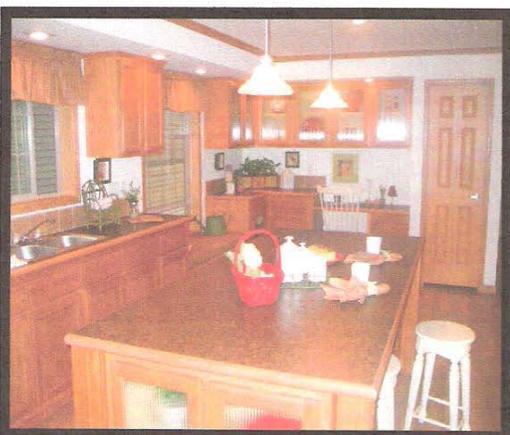
Suite Retreat Glamour Baths



## Product Offerings

- Single-Wides
- Non-Drywall
- Partial Drywall
- Full Drywall
- Cedar Interior

Country-Kitchens & Walk-In Pantries



Ultimate Kitchens & Built-in Appliances



## Flexibility

- 3/12 or 5/12 roof pitch
- 28' or 32' wide available
- Hud to Mod Conversion
- Multiple Kitchens/Baths

**866-457-4663**

# West Virginia Housing Institute Convention 2007 REGISTRATION FORM

July 10, 11 and 12

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

or visit [gladesprings.com](http://gladesprings.com)

Company Name \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip \_\_\_\_\_

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

\_\_\_\_\_ Adult \_\_\_\_\_ Child \_\_\_\_\_

### REGISTRATION FEES:

WVHI Member & Spouse/Guest ..... \$125.00 per person if paid by June 1, 2007

\$150.00 per person after June 1

Children Under 12 ..... \$ 50.00 per child if paid by June 1, 2007

\$75.00 per child after June 1

Children Under 1 year old ..... FREE

Non-Member Registration ..... \$300.00 per person attending

Exhibitors..... \$150.00 per table if paid by June 1

\$175.00 after June 1

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

Please return completed registration form and your check to:

WVHI

PO Box 2182

Charleston, WV 25328-2182

Questions, please call Andy 304/346-8985

*Mark your calendars now – don't miss out*



**WEST VIRGINIA HOUSING INSTITUTE INC.**

PO Box 2182

Charleston, WV 25328-2182

Phone (304) 346-8985

Fax (304) 346-8986

Email: andy\_wvhi@verizon.net

PROVIDING THE AMERICAN DREAM

**COME JOIN NOW!!! CUT AND MAIL – MEMBERSHIP DATA**

Firm Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone (\_\_\_\_) \_\_\_\_\_

Fax (\_\_\_\_) \_\_\_\_\_

Home Phone (\_\_\_\_) \_\_\_\_\_

Email \_\_\_\_\_

**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

\_\_\_\_\_ \$250.00

\_\_\_\_\_

Title

\_\_\_\_\_

Signature

**Please Remit To:**

**WVHI**

PO Box 2182

Charleston, WV 25328-2182