



TESTIMONY

BEFORE THE SENATE COMMITTEE ON UTILITIES

TO: Senator Jay Emler, Chairman
And Members of the Committee

FROM: Martha Neu Smith, Executive Director
Kansas Manufactured Housing Association

DATE: January 29, 2007

RE: SB 120 – Thermal Standards Disclosure

Chairman Emler and Members of the Committee, my name is Martha Neu Smith and I am the Executive Director of the Kansas Manufactured Housing Association (KMHA). KMHA is a statewide trade association, which represents all facets of the manufactured housing industry (i.e. manufacturers, retailers, community owners and operators, finance and insurance companies, service and suppliers and transport companies) and the modular housing industry (i.e. manufacturers and retailers). I would like to thank you for the opportunity to comment on SB 120.

My comments today address the position of the Modular Housing Industry, the Manufactured Housing Industry is excluded from this statute because it is federally regulated by the National Manufactured Housing Construction and Safety Standards Act which is a federal preemptive code that includes energy standards and consumer notification, however, the statutes in SB 120 are applicable to modular housing.

The Modular Housing Industry is opposed to the changes in Section 1 of the bill. We interpret these changes as a major shift in policy for residential housing from the current situation where local elected officials adopt building codes with input from their constituents, to the proposed situation where the Kansas Corporation Commission adopts standards for an industry without the benefit of constituent input. We view these changes as usurping home rule authority and taking residential construction one step closer to a statewide building code.

The industry does not have a problem with the existing requirement of providing the Energy Efficiency Disclosure, however, we would suggest the Disclosure language be changed to "**upon request and prior to the signing of the contract to purchase**" instead of "*at the time the residential structure is offered for sale*". We feel this provides the potential buyer information about the thermal properties before the buyer becomes bound by a contract.

The industry also feels strongly that the Disclosure form should remain in statute. By removing the Disclosure from the statutes it becomes less visible. Not to mention, we feel changes to the Energy Efficiency Disclosure document should come before the Legislature where all districts are represented.

KMHA would respectfully ask that you consider leaving the statute as is with the exception of when the Disclosure must be provided.

Thank you for your consideration.