



# Manufactured Housing Association for Regulatory Reform

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May 21, 2021

VIA FEDERAL EXPRESS

Dr. Warren Leon  
Executive Director  
Clean Energy States Alliance  
50 State Street  
Suite 1  
Montpelier, Vermont 05602

Re: CESA Study – “Solar for Manufactured Homes”

Dear Dr. Leon:

I am writing on behalf of the members of the Manufactured Housing Association for Regulatory Reform (MHARR). MHARR is a Washington, D.C.-based national trade association representing the views and interests of producers of manufactured housing regulated by the U.S. Department of Housing and Urban Development (HUD) pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401, et seq.), as amended by the Manufactured Housing Improvement Act of 2000 (2000 reform law). MHARR’s members are mostly smaller and medium-sized businesses, located in all regions of the United States.

As I indicated in a recent telephone discussion with your colleague, Ms. Wafa May Elamin, MHARR has serious concerns regarding your organization’s study and report titled “Solar for Manufactured Homes.” This is particularly the case insofar as the report and its underlying research were financed with taxpayer funds provided through the U.S. Department of Energy (DOE).

At the outset, let me be clear that MHARR, as an organization, takes no position regarding consumer preferences, amenities, features or other similar aspects of manufactured housing that are purely voluntary or permissive in nature and that meet or exceed the basic (i.e., minimum) HUD Manufactured Housing Construction and Safety Standards (24 C.F.R. 3280) which govern all new manufactured homes constructed, delivered and installed as residential dwellings within the United States. MHARR has consistently maintained that such matters of consumer free choice and volition, within the parameters of the free market for goods and services, are – and properly should be -- solely between home manufacturers, home purchasers, retailers and any other direct parties to the purchase transaction. Thus, if your organization and its members wish to encourage the utilization of solar power and related devices as a primary energy source within manufactured

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homes as a matter of completely voluntary consumer choice, MHARR has no objection to that activity.

This position, however, is subject to a fundamental and overriding caveat. Specifically, it must be borne in mind that manufactured housing is a comprehensively-regulated industry at the federal level, with nearly all aspects of manufactured housing construction and safety preemptively regulated by HUD under federal law. In that regard, the 1974 Act, as amplified by the 2000 reform law, specifically requires federal manufactured housing construction and safety standards to be cost-effective (see, 42 U.S.C. 5403 (e)(4)), in order to maintain both the availability and purchase price affordability of manufactured housing for “all Americans” -- one of the primary, congressionally-specified objectives of the law (see, 42 U.S.C. 5401 (b)(2)). Furthermore, in order to promote and maintain that affordability, HUD regulations provide that federal manufactured housing standards shall “to the maximum extent possible,” establish “performance requirements” (see, 24 C.F.R. 3282.1), as contrasted with prescriptive criteria.

In accordance with these overriding principles, HUD’s manufactured housing standards, dating to 1976, include provisions specifically pertaining to home heating and cooling (24 C.F.R. 3280.701, et seq.) and electrical systems (24 C.F.R. 3280.801, et seq.), among other matters, that (according to U.S. Census Bureau data) achieve the necessary balance between performance and affordability mandated by law, without prescribing or requiring the use of any specific type of system as a primary energy source – whether solar, landline electrical, oil, natural gas, wind, or any other type of power generation or transmission. Given these statutory mandates, and the carefully-crafted balance that currently exists under the federal standards for manufactured housing energy utilization and related purchase costs for manufactured homes, MHARR would vehemently object to – and oppose -- any attempt by CESA or any other party to mandate or affirmatively require the use of solar energy systems or devices as a primary energy source in federally-regulated manufactured homes, or any attempt to mandate design or construction standards for manufactured homes in order to accommodate, facilitate, or promote the utilization of any type of solar power system or device(s).

Put differently, while MHARR does not object to the free-market promotion of solar energy systems and related equipment within the manufactured housing (or any other) market, it will aggressively oppose – and strongly cautions against – any effort by CESA (or others) to affirmatively mandate: (1) the use of any type of solar system or equipment (or related measures) in manufactured homes; (2) or any structural or design changes to manufactured homes to support, permit, or facilitate the use of any such system(s), as a regulatory matter, through either the HUD manufactured housing regulations or any other regulatory regime including, but not limited to, any manufactured housing energy conservation standards promulgated by the U.S. Department of Energy (DOE) pursuant to section 413 of the Energy Independence and Security Act of 2007.

Given the importance of this matter, the need for extreme sensitivity in addressing any performance aspect of a comprehensively federally-regulated product and industry such as manufactured housing, and particularly the taxpayer-based funding of CESA’s study, we suggest and urge you to meet with us in order to attain a better and more fully-developed understanding of the federal manufactured housing regulatory system, the evolution of that system, and the industry’s rights and responsibilities within that system. We would be happy to meet with you in Washington, D.C., at your convenience, to have such a discussion.

Thank you in advance for your consideration, and we look forward to hearing from you soon.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Weiss', with a stylized flourish extending to the right.

Mark Weiss  
President and CEO

cc: Hon. Marcia Fudge  
Hon. Jennifer Granholm