



Preserving the American Dream of Home
Ownership Through Regulatory Reform

MHARR

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**MHARR CALLS ON DOE TO WITHDRAW
ENERGY RULE BASED ON COURT INJUNCTION**

Washington, D.C., February 22, 2022 – The Manufactured Housing Association for Regulatory Reform (MHARR), in a February 16, 2022 communication to U.S. Department of Energy (DOE) Secretary, Jennifer Granholm, (copy attached) has called on DOE to halt activity on its pending manufactured housing energy standards rule in accordance with a nationwide injunction issued by a federal judge in a lawsuit filed by ten state attorneys general (AGs) challenging the use of “Social Cost of Carbon” (SCC) estimates in federal rulemaking proceedings.

The states, in *Louisiana v. Biden*, asserted that SCC estimates of alleged “global climate benefits,” adopted in February 2021, are being used to skew cost-benefit analyses underlying multiple proposed rules, including the manufactured housing energy standards rule published by DOE on August 26, 2022 and modified on October 26, 2022. MHARR, which has consistently opposed this rule since its inception, had previously alerted the Missouri AG, in a parallel lawsuit, to DOE’s reliance on the essentially fraudulent SCC construct. That information appears to have been conveyed to the state plaintiffs in the *Louisiana v. Biden* litigation.

The February 11, 2022 ruling by the U.S. District Court for the Western District of Louisiana, in *Louisiana v. Biden*, grants a preliminarily injunction against DOE and other federal defendants from “adopting, relying upon, or treating as binding,” the February 2021 SCC values. To the extent, therefore, that the proposed DOE manufactured housing energy standards rule – as expressly noted by the court in its injunction decision – relies upon SCC values to supposedly establish the “benefits” of the proposed rule, that rule, as maintained by MHARR in its February 16, 2022 communication to DOE, is enjoined from proceeding. Moreover, to the extent that the DOE proposed manufactured housing energy standards intrinsically rely upon a cost-benefit analysis that includes the SCC values, the entire proposed rule is fatally-flawed, and cannot move forward in its current form.

Consequently, as MHARR’s communication states, DOE should withdraw the proposed rule and develop a new proposal based on valid and legitimate cost-benefit calculations, in accordance with all applicable law.

In Washington, D.C., MHARR President and CEO, Mark Weiss, stated: “The applicability of the District Court’s ruling and Preliminary Injunction to DOE’s proposed manufactured housing energy standards rule is beyond any reasonable dispute insofar as the court’s decision *specifically references that very rulemaking*.” Weiss continued: “While the court’s decision is a gratifying verification of the position that MHARR has taken in this matter for years, it is unfortunate that

Manufactured Housing Association for Regulatory Reform

the DOE proceeding -- with the initial support of part of the industry -- ever reached this point. The DOE rulemaking, which has been fatally-defective from day-one, as documented by MHARR, should be withdrawn and replaced instead with a *legitimate* rulemaking within the HUD statutory consensus process, that is rooted in reality and the actual needs and interests of manufactured housing consumers.”

The Manufactured Housing Association for Regulatory Reform is a Washington, D.C.-based national trade association representing the views and interests of independent producers of federally-regulated manufactured housing.