



Manufactured Housing Association for Regulatory Reform

1331 Pennsylvania Avenue, NW • Suite 512 • Washington, DC 20004 • 202-783-4087 • Fax 202-783-4075 • mharrdg@aol.com

January 30, 2025

VIA FEDERAL EXPRESS

Hon. Scott Turner
Secretary-Designate
U.S. Department of Housing and Urban Development
Suite 10000
451 Seventh Street, S.W.
Washington, D.C. 20410

Re: Restoring and Expanding the Affordable Housing Role of Manufactured Homes

Dear Secretary-Designate Turner:

I am writing as a follow-up to my previous communications of November 25, 2024, January 22, 2025 and January 23, 2025 (see, Attachment 1).

The Manufactured Housing Association for Regulatory Reform (MHARR), as noted in those prior communications, is a Washington, D.C.-based national trade organization, established in 1985, representing the views and interests of producers of manufactured housing subject to regulation 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 primarily smaller and medium-sized independent producers of manufactured housing, located in all regions of the United States.

As the United States faces an unprecedented affordable housing crisis, with the supply of affordable homes and, more particularly, affordable “starter” homes, millions of units below existing (and growing) demand,¹ HUD-regulated manufactured homes offer American families at all income levels (and most especially moderate and lower-income American families), an inherently affordable, non-subsidized source of housing and homeownership. Yet, the availability (and ultimately the utilization) of this crucial affordable housing resource, expressly protected and guaranteed by Congress in federal law,² has been undermined across the United States by endemic mismanagement of the HUD manufactured housing program as well as specific bottlenecks that HUD has both the authority and -- more importantly -- the responsibility to alleviate and remove,

¹ See e.g., “The Significant Shortage of Starter Homes,” Freddie Mac Research and Perspectives, S. Khater (April 15, 2021).

² The 2000 Reform Law states, in part: “The purposes of this chapter are: *** (2) to facilitate the availability of affordable manufactured homes and to increase homeownership for all Americans.” (42 U.S.C. 5401(b)(2)).

but has failed or (even worse), refused to address and remedy, for decades. Our purpose in this communication, accordingly, is to highlight those program defects and bottlenecks, as well as the statutory tools that Congress has provided to HUD (and others) to address such matters and ensure the statutorily-mandated availability of HUD Code manufactured housing.

At the outset, it should be stressed that manufactured housing is, must be – and must remain – federally regulated. Unlike other types of housing, which are either constructed on or constructed for a specific known lot, site or location in a specific known jurisdiction, manufactured homes are assembled in factories and then shipped to purchasers or retailers who site the homes at locations unknown to the manufacturer at the time of construction. As a result, manufactured homes are routinely transported across state lines and may, even after initial siting, be moved to other locations and other jurisdictions. As a result of this production model and enduring transportability (as mandated by applicable federal law), manufactured homes must be regulated pursuant to:

- (1) uniform federal standards; and
- (2) uniform federal enforcement; in conjunction with
- (3) robust federal preemption.

These three pillars of HUD manufactured housing regulation ensure not only that manufactured homes can be sited anywhere in the United States at the time of initial retail sale or thereafter, but also ensure unparalleled construction efficiencies and savings that manufacturers pass to consumers. Consequently, uniform federal standards, uniform federal enforcement and strong federal preemption, are the primary mechanism that ensures the inherent, non-subsidized affordability of today's mainstream manufactured homes, in accordance with the purposes and objectives of applicable federal law, and also distinguish HUD-regulated manufactured homes from all other types of factory-built dwellings that are not federally regulated.

Consequently, a properly functioning federal program is essential for manufactured housing to reach its full potential. Yet, the HUD manufactured housing program has suffered from both poor management and poor oversight, as the Department has consistently focused more on wasteful public housing programs and related grants and subsidies, rather than the private-sector affordable solution offered by manufactured housing. This failure has been especially damaging for the smaller, independent manufactured housing producers represented in the nation's capital by MHARR, which have been disproportionately impacted by excessive and unnecessary regulation, including extra-legal mandates imposed by an entrenched HUD program “monitoring contractor,” which (apparently without precedent in Washington, D.C.) has continuously held what amounts to a de facto sole-source contract since the inception of federal regulation fifty years ago. At the same time, as addressed in my previous communication of January 22, 2025, smaller, independent manufacturers have been denied full and equal participation in the HUD Manufactured Housing Consensus Committee (MHCC) – the most significant program reform enacted by the 2000 Reform Law – through their collective representative, MHARR, for nearly two decades. For manufactured housing and the federal manufactured housing program to both meet their full potential, significant program reform to remedy these failures (and other) is essential and must be a priority under the Trump Administration.

Beyond, these major failures of the HUD program, three principal bottlenecks have impaired the availability and utilization of affordable, HUD-regulated manufactured housing, as mandated by federal law. These principal bottlenecks include impending draconian Biden Administration “energy conservation” standards, previously addressed in MHARR’s January 23, 2025 communication to you, and a discriminatory lack of federal support for manufactured home consumer lending (including Federal Housing Administration programs and Ginnie Mae requirements, as well as the nearly two-decade failure of Fannie Mae and Freddie Mac to implement the statutory “Duty to Serve Underserved Markets” directive for the vast bulk of the manufactured housing market), which we will address in greater detail in a future communication to the incoming director of the Federal Housing Finance Agency (FHFA).

The most significant bottleneck, however, as you become HUD Secretary, is the fact that the availability and utilization of affordable, mainstream HUD-regulated manufactured homes – and the growth of manufactured housing as a vital affordable housing resource -- has been undermined, subverted and needlessly restricted in vast areas of the United States through discriminatory and exclusionary zoning mandates that bar manufactured homes and manufactured homeowners (including a significant proportion of minority manufactured homeowners³) from entire communities.

While the discriminatory targeting of manufactured housing and manufactured homeowners for zoning exclusion by state and local governments is not new,⁴ it has become more prevalent, more pronounced and more extreme in recent decades. It is no coincidence that this radical campaign of discriminatory exclusion has corresponded with an unprecedented long-term decline in the production of new manufactured homes. Specifically, prior to 2007, manufactured home production routinely exceeded 100,000 homes per year and reached its all-time maximum level of 373,143 new homes in 1998. Since 2007, however, manufactured home production has exceeded the 100,000 home benchmark only two times (2021 and 2022) and fell to its modern historical low of 49,683 in 2009. This discriminatory targeting is directly and blatantly contrary to the express purpose and letter of the 2000 Reform Law, which was designed and enacted by Congress to complete the transition of manufactured homes to legitimate housing for all purposes and to ensure the parity of HUD-regulated manufactured homes with site-built (and other) homes for all purposes.

Although federal law, since the adoption of the original National Manufactured Housing Construction and Safety Standards Act in 1974, has included a federal preemption provision (see, 42 U.S.C. 5403(d)) prohibiting states and local jurisdictions from maintaining standards pertaining to any aspect of manufactured housing construction and/or safety which differ from a federal standard applicable to the same “aspect of performance,” HUD refused to apply that federal preemption to zoning exclusion, alleging that preemption, under the 1974 Act, was limited solely to state and local construction and/or safety standards. As a result, HUD did nothing while a

³ The importance of HUD-regulated manufactured housing as a source of affordable homeownership for minority purchasers was addressed by the Consumer Finance Protection Bureau in a report entitled “Manufactured Housing Finance – New Insights from the Home Mortgage Disclosure Act Data,” (May 27, 2021).

⁴ See e.g., “Testimony of the Pennsylvania Manufactured Housing Association – Promoting Housing Affordability Through Land Use Reforms,” (May 3, 2023) at p. 5.

proliferation of exclusionary zoning measures specifically targeting manufactured housing emerged.

Subsequently, urged by MHARR and an industry coalition, Congress, in 2000, developed and enacted landmark legislation to reform and modernize both the federal manufactured housing program and the legal treatment of manufactured homes for all purposes. Especially significant, among the many program reforms of the 2000 Reform Law, was an amendment to the 1974 Act's preemption provision, designed to make it more expansive and more robust in protecting and advancing the availability of HUD-regulated manufactured homes.

Specifically, the 2000 Reform Law amended the federal preemption provision of the 1974 Act by adding a statement that “federal preemption under this subsection shall be broadly and liberally construed to ensure that disparate state or local requirements or standards do not affect the uniformity and comprehensiveness of the standards promulgated under this section nor the federal superintendence of the manufactured housing industry as established by this chapter.” (42 U.S.C. 5403(d)) (emphasis added). This “enhanced federal preemption” of the 2000 Reform Law, significantly expanded the scope, extent and reach of preemption to correspond with and effectuate the expansive remedial and beneficial purposes of the 2000 Reform Law more generally.

The enhanced preemption “broadly and liberally construed” mandate, was added by the 2000 Reform Law specifically because MHARR document requests under the Freedom of Information Act (FOIA) showed conclusively that HUD has been interpreting and applying the scope of federal preemption under the original 1974 Act as narrowly and in as limited a fashion as possible, directly contrary to claims it had previously made to Congress and the industry that it was enforcing federal preemption broadly and vigorously.

Similarly, the enhanced preemption term “requirements or” was added to the preemption clause by the 2000 Reform Law to make it unmistakably clear that federal preemption applies not only to conflicting state or local construction and/or safety standards, but also to any state or local “requirement” that impairs HUD’s federal superintendence of the industry. That federal superintendence, as specifically defined by the 2000 Reform Law, expressly includes “facilitat[ing] the availability of affordable manufactured homes....” (42 U.S.C. 5401(b)(2)). Therefore, insofar as discriminatory and exclusionary state and/or local zoning measures barring HUD-regulated manufactured homes undermine, conflict with and defeat the fundamental, essential and core federal purpose of the 1974 Act as amended by the 2000 Reform Law – to facilitate and ensure the availability of affordable manufactured homes – such mandates are, should be, and, in fact, must be federally preempted under the enhanced preemption of the 2000 Reform Law.

There can be no doubt, moreover, that the 2000 Reform Law amendments to the Act's preemption provision were designed to – and must necessarily have – such an impact and effect. In a November 13, 2003 communication to then-HUD Secretary Mel Martinez, leading congressional proponents of the 2000 Reform Law stated unequivocally that “these combined changes” to the law, “have given HUD the legal authority to preempt local requirements or

restrictions which discriminate against the siting of manufactured homes (compared to other single family housing) simply because they are HUD Code homes.”⁵

It is long past time, accordingly, for HUD to take strong action to stop states and/or localities from acting to undermine and negate federal law and the federal affordable housing policies underlying both the 1974 Act and the 2000 Reform Law by discriminatorily excluding HUD-regulated manufactured homes.

In order to accomplish this, HUD should first take immediate action to withdraw and repudiate two preemption “guidance” statements published in 1997.⁶ These statements, which continue to be misconstrued, misapplied and misused by courts to the detriment of both the industry and American consumers of affordable housing, do not include, reflect, or consider the substantive changes to federal preemption enacted by Congress in the 2000 Reform Law (i.e., enhanced federal preemption). As a result, they are no longer accurate, legitimate or valid and must be withdrawn.

Second, the withdrawn 1997 preemption “guidance” statements should be replaced as rapidly as possible with new HUD “guidance” based on the purposes and express terms of the 2000 Reform Law as set forth above. Any such guidance should (and must) be developed and proposed by the MHCC in accordance with the 2000 Reform Law and adopted by HUD with all due speed.⁷

Third, HUD should immediately begin to enforce the enhanced federal preemption of the 2000 Reform Law against jurisdictions which discriminatorily exclude affordable, mainstream, HUD-regulated manufactured housing. As needed and, if necessary, this should include legal action (to the highest level necessary) to prevent and/or eliminate such unlawful zoning measures which stand as an obstacle to – and frustrate the achievement of – federal affordable housing policy as enunciated in the 2000 Reform Law.

Insofar as the foregoing matters are of the utmost importance to MHARR’s members, the broader housing industry and American consumers of affordable housing, we will contact your office, upon your confirmation and arrival at HUD, to seek a meeting with you at the earliest opportunity. Again, please accept our congratulations on your nomination and we look forward to

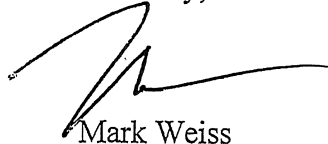
⁵ See, Attachment 2 hereto, November 13, 2003 communication to Hon. Mel Martinez from Hon. Barney Frank, Bennie Thompson, Baron P. Hill, Maxine Waters, Ken Lucas and Julia Carson.

⁶ See, 62 Federal Register No. 15, “Manufactured Housing Construction and Safety Standards: Notice of Internal Guidance on Preemption” (January 23, 1997) at p.3456, et seq. See also, 62 Federal Register No. 86, “Manufactured Housing: Statement of Policy 1997-1, State and Local Zoning Determinations Involving HUD Code” (May 5, 1997) at p. 24337, et seq.

⁷ In this regard, see, Attachment 3, August 22, 2016 communication from the Arkansas Manufactured Housing Association to Edward Golding, HUD Principal Deputy Assistant Secretary, “HUD’s Preemption Policy Regarding Manufactured Housing.”

meeting with you soon.

Sincerely,

A handwritten signature in black ink, appearing to be 'Mark Weiss', written over a horizontal line.

Mark Weiss
President and CEO

cc: Hon. Tim Scott
Hon. Katie Britt
Hon. French Hill
Hon. Mike Flood
Hon. Russell Vought
Hon. Susan Wiles
Mr. Matthew Ammon



Manufactured Housing Association for Regulatory Reform

1331 Pennsylvania Avenue, NW • Suite 512 • Washington, DC 20004 • 202-783-4087 • Fax 202-783-4075 • mharrdg@aol.com

January 22, 2025

VIA FEDERAL EXPRESS

Hon. Scott Turner
Secretary-Designate
U.S. Department of Housing and Urban Development
Suite 10000
451 Seventh Street, S.W.
Washington, D.C. 20410

Re: Revocation of Last-Minute Biden Appointments

Dear Secretary-Designate Turner:

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 organization 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 primarily smaller and medium-sized independent producers of manufactured housing, located in all regions of the United States.

On November 25, 2024, we wrote to introduce you to MHARR and one of its primary concerns regarding the pending implementation of ruinous and totally unnecessary manufactured housing "energy conservation" standards by HUD and the U.S. Department of Energy (DOE) as an element of the former Biden Administration's discredited "Climate Agenda." (See, copy attached).

Since the time of that communication, however (and at the very end of the Biden Administration) there has been another development concerning the federal regulation of manufactured housing and the HUD Office of Manufactured Housing Programs (OMHP) which requires your (and the Trump Administration's) immediate attention and intervention.

Specifically, on January 16, 2025, during the last hours of the Biden Administration, HUD announced seven new appointments to the 21-member Manufactured Housing Consensus Committee (MHCC), established by the 2000 Reform Law. (See, attached HUD News Release – "HUD Announces New Appointments to Manufactured Housing Consensus Committee). These

applicable law and sound public policy, reflect ongoing HUD mismanagement of the MHCC, and should be revoked immediately.

The MHCC was established in 2001, as one of the principal program reforms of the 2000 Reform Law – a law developed with the full and integral participation of MHARR and passed in Congress by unanimous consent. The MHCC was designed by Congress to ensure the full and effective input of affected parties and interests into the consensus development of HUD manufactured home construction standards, installation standards, enforcement regulations, and interpretations of such standards and regulations. It is statutorily-mandated to include representatives of manufactured housing producers, retailers, users and general interests. (See, 42 U.S.C. 5403(a)(3)(D)).

Significantly, the MHCC was established to replace the toothless, sham Manufactured Housing Advisory Council (Advisory Council), instituted by the original 1974 Act. Testimony before Congress in support of the 2000 Reform Law, showed that the Advisory Council had been deceitfully controlled, maneuvered, manipulated and mismanaged by HUD, both substantively and through biased appointments and rank favoritism. The 2000 Reform Law, accordingly, sought to remedy this failure by mandating an independent MHCC, that would formulate proposed standards, regulations and interpretations free of undue HUD influence, either substantively or via favoritism and biased, politicized appointments.

Unfortunately, though, in recent years and most particularly over the course of the Biden Administration, the independence and statutory role of the MHCC have been undermined and subverted by HUD, substantively, procedurally, and via politicized, biased appointments and favoritism. These appointments have intentionally diminished the role and representation of smaller and medium-sized producers (represented by MHARR) – which are disproportionately impacted and harmed by excessive and unnecessary regulation -- while accentuating the role, power, influence and position of the nation's largest manufactured housing corporate conglomerates (the largest of which is a subsidiary of Warren Buffet's Berkshire Hathaway, Inc.). This has been done by the repeated appointment, re-appointment and re-re-appointment of certain favored interests, companies, organizations and individuals, while smaller and medium-sized producers have been consistently shortchanged, and MHARR, as their collective representative, nationally and in the nation's capital, with decades of directly applicable knowledge, know-how, experience and collective/institutional memory, has been denied direct staff (and/or Board Member) membership for nearly 20 years without any valid or legitimate reason or basis.

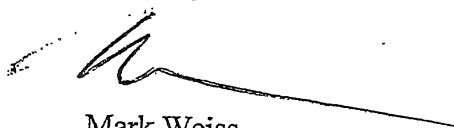
Accordingly, and insofar as all MHCC members serve "at the pleasure" of the HUD Secretary, MHARR calls on you (and the Trump Administration) to withdraw the January 16, 2025 HUD-MHCC appointments, and select a new slate of appointees, including direct MHARR staff representation, that will be consistent with both the purposes and objectives of the 2000 Reform Law and the policies and priorities of the Trump Administration, including, but not limited to, a level playing field for small businesses.

Mr. Secretary-Designate, manufactured housing plays a vital role as the nation's leading resource for inherently affordable, non-subsidized homeownership. Neither the Trump Administration, nor you as HUD Secretary-Designate, should allow entrenched HUD bureaucrats

– many with ties to the former administration – to subvert sound housing policy through favoritism and biased, politicized appointments such as those announced on January 16, 2025.

We seek an opportunity to speak with you about this matter and others as set forth in our initial communication. Once you are confirmed by the Senate, we will contact your office to schedule such a meeting. We look forward to meeting you in person and discussing the benefits and advantages of affordable manufactured housing and the role it can – and should – play in alleviating the nation's affordable housing crisis with, among other things, a fully reformed HUD manufactured housing program that is properly managed, fully accountable and not dependent on a 50-year, entrenched sole-source enforcement contractor.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Weiss', with a long horizontal line extending to the right.

Mark Weiss
President and CEO

cc: Hon. Tim Scott
Hon. Katie Britt
Hon. French Hill
Hon. Mike Flood
Hon. Russell Vought
Hon. Susan Wiles
Mr. Matthew Ammon



Manufactured Housing Association for Regulatory Reform

1331 Pennsylvania Avenue, NW • Suite 512 • Washington, DC 20004 • 202-783-4087 • Fax 202-783-4075 • mharrdg@aol.com

January 23, 2025

VIA FEDERAL EXPRESS

Hon. Chris Wright
Secretary-Designate
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585

Hon. Scott Turner
Secretary-Designate
U.S. Department of Housing and Urban
Development
451 Seventh Street, S.W.
Washington, D.C. 20410

Re: Regulatory Freeze – Manufactured Housing Energy Regulations

Dear Secretaries-Designate Wright and Turner:

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 organization representing the views and interests of producers of manufactured housing subject to regulation 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) and by the U.S. Department of Energy (DOE) pursuant to section 17071 of the Energy Independence and Security Act of 2007 (EISA) (42 U.S.C. 17071). MHARR's members are primarily smaller and medium-sized independent producers of manufactured housing, located in all regions of the United States.

In November 2024, we wrote you both to introduce you to MHARR and to apprise you of one of its primary regulatory concerns – i.e., the pending implementation of ruinous and totally unnecessary manufactured housing “energy conservation” standards and proposed enforcement regulations developed by the U.S. Department of Energy (DOE) (and under consideration by HUD) as an element of the former Biden Administration’s discredited “Climate Agenda.” (See, copies attached). Specifically, MHARR called on President Trump, DOE and HUD to halt the implementation of (and further regulatory activity regarding) baseless DOE manufactured housing “energy conservation” standards slated for enforcement beginning on a designated date following DOE publication of a final enforcement regulations rule.¹ Such enforcement regulations were

¹ The DOE manufactured housing energy conservation standards were published on May 31, 2022. See, 87 Federal Register, No. 104 “Energy Conservation Standards for Manufactured Housing,” (May 31, 2022) at p. 32728, et seq. The compliance date for “Tier 1” of the DOE standards was subsequently delayed by DOE until “60 days after publication of its final enforcement procedures,” and compliance with the Tier 2 standards was delayed until July 1,

published as a proposed rule in the Federal Register on December 26, 2023,² but have not yet been adopted by DOE as a final rule.

Significantly, however, since the time of MHARR's November 2024 communications, President Trump has issued two Executive Orders (EO) that are directly relevant to these standards and proposed regulations. Specifically, President Trump, on January 20, 2025, issued an EO entitled "Regulatory Freeze Pending Review." That EO, in relevant part, directs all executive departments and agencies to:

1. "Not propose or issue any rule in any manner ... until a department or agency head appointed or designated by the President after noon on January 20, 2025 reviews and approves the rule; and
2. "[C]onsider postponing for 60 days from the date of this memorandum the effective date for any rules that have been issued in any manner but have not taken effect, for the purpose of reviewing any questions of fact, law and policy that the rules may raise."

Insofar as the DOE manufactured housing energy standards enforcement rule has not been adopted or published as a final rule and has the legal status of only a proposed rule, that action, pursuant to the aforesaid EO, cannot proceed – and may not be adopted or published as a final rule -- without the approval of a duly-appointed Trump Administration official. Such approval, however, should not be granted for all the reasons set forth in MHARR's January 24, 2024 comments on that proposed rule,³ and we ask that the Trump Administration disavow and withdraw this proposed rule.

Further, insofar as compliance with the May 31, 2022 DOE manufactured housing "energy conservation" standards has been extended and delayed, by final DOE agency action, to a date after the "publication of ... final enforcement procedures," and those final enforcement procedures may not be published under the aforesaid EO, then DOE, under the aforesaid EO, may not, cannot and must not implement, enforce, demand or compel compliance with the May 31, 2022 manufactured housing energy standards by any party or otherwise take any action to compel, demand or enforce compliance with the said standards.

Consistent with the foregoing, we ask that the Trump Administration disavow and withdraw both of these actions. The aforesaid standards rule and proposed enforcement rule are both the product of junk science and radical environmental extremism, including the discredited (and again rescinded by President Trump) "Social Cost of Carbon" (SCC) construct,⁴ rather than sound and legitimate scientific bases. The manifold failures and fatal defects of the DOE

2025. See, 88 Federal Register, No. 103 "Energy Conservation Standards for Manufactured Housing; Extension of Compliance Date," (May 30, 2023) at p. 34411, 34412, col.3.

² See, 88 Federal Register No. 246 "Energy Conservation Standards for Manufactured Housing; Enforcement," (December 26, 2023) at p. 88844, et seq.

³ See, MHARR January 24, 2024 comments, "Energy Conservation Program: Energy Conservation Standards for Manufactured Housing: Enforcement" (EERE-2009-BT-BC-0021), attached hereto as Attachment 1.

⁴ See, Executive Order, "Unleashing American Energy" (January 20, 2025), section 6(b).

procedures and purported analyses leading to both such agency actions, including far-reaching “questions of fact, law and policy,” have been well documented in comments filed by MHARR as well as litigation against the standards rule currently pending in federal court.⁵ Moreover, the DOE standards were specifically rejected by HUD’s statutory Manufactured Housing Consensus Committee (MHCC), which also found that DOE did not validly and legitimately consult with HUD regarding the standards or proposed enforcement rule as affirmatively mandated by EISA.⁶

Furthermore, the January 20, 2025 EO entitled “Delivering Emergency Price Relief for American Families and Defeating the Cost-Of-Living Crisis” states in relevant part: “[M]any Americans are unable to purchase homes due to historically high prices, in part due to regulatory requirements that alone account for 25 percent of the cost of constructing a new home.... I hereby order the heads of all executive departments and agencies to deliver emergency price relief ... to the American people.... This shall include pursuing appropriate actions to lower the cost of housing and expand housing supply....” (Emphasis added).

Insofar as both the DOE manufactured housing energy standards rule and energy standards enforcement proposed rule – as fully documented and explained by MHARR in its attached comments – would needlessly, unnecessarily and without legitimate basis, significantly increase the cost of manufactured housing and simultaneously reduce its availability as a premier source of affordable, non-subsidized homeownership in direct violation of both existing federal law and sound public policy,⁷ those regulations should not only be delayed pursuant to the aforesaid regulatory freeze EO, but should also be rescinded and withdrawn pursuant to President Trump’s emergency housing cost relief EO.

Accordingly, based on the aforesaid Executive Orders, and based on the fatal, organic flaws inherent in the DOE manufactured housing energy standards and proposed enforcement regulations as a matter of fact, law and policy – which would needlessly and without valid basis destroy the affordability of federally-regulated manufactured housing and exacerbate the nation’s unprecedented and worsening affordable housing crisis – those regulations should be immediately delayed and thereafter rescinded, revoked and withdrawn.

Thank you in advance and we look forward to meeting with you to address this (and other) matters affecting manufactured housing.

⁵ In addition to Attachment 1, hereto, see, MHARR October 25, 2021 Comments and November 22, 2021 Supplemental Comments, “Energy Conservation Program: Energy Conservation Standards for Manufactured Housing: Enforcement” (EERE-2009-BT-BC-0021), attached hereto as Attachments 2 and 3. See also, Manufactured Housing Institute v. Department of Energy, No. 1:23-CV-00174 DAE (W.D. TX.).

⁶ See, Minutes of the February 15-16, 2024 MHCC Meeting, Appendix C.

⁷ The National Manufactured Housing Construction and Safety Standards Act, as amended by the 2000 Reform Law, was enacted, as one of its primary congressional purposes, “to facilitate the availability of affordable manufactured homes and to increase homeownership for all Americans.” See, 42 U.S.C. 5401(b)(2).

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'M' followed by a horizontal line extending to the right.

Mark Weiss
President and CEO

cc: Hon. Russell Vought
Hon. Susan Wiles
Ms. Ingrid Kolb
Mr. Matthew Ammon