



Manufactured Housing Association for Regulatory Reform

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THE TREATMENT OF HUD-REGULATED MANUFACTURED HOUSING IN PENDING FEDERAL HOUSING LEGISLATION RAISES SERIOUS QUESTIONS

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1. Both pending housing bills -- the ROAD to Housing Act in the Senate and the Housing for the 21st Century Act in the House of Representatives -- contain provisions relating to federally-regulated manufactured housing which raise serious questions for the industry and consumers.
2. Both bills would make optional the current statutory mandate that “manufactured homes” be built on a “permanent chassis.” This modification, which MHARR supports, was first raised by MHARR in 1990, in the context of an earlier amendment to the National Manufactured Housing Construction and Safety Standards Act of 1974, which the Manufactured Housing Institute (MHI) ultimately failed to support at that time, as well as the U.S. Department of Housing and Urban Development (HUD).
3. Neither current bill, however, would resolve, the two primary bottlenecks that have suppressed the production and availability of affordable, mainstream manufactured housing for at least two decades – i.e., (1) discriminatory zoning exclusion; and (2) the failure of federal mortgage giants Fannie Mae and Freddie Mac to implement the statutory “Duty to Serve” (DTS) mandate with respect to personal property or “chattel” consumer financing for manufactured home purchases. MHARR has prepared and provided Congress with proposed amendments to address both matters, but those amendments, to date, have not been included in either bill.
4. Neither bill would definitively withdraw the destructive May 31, 2022 U.S. Department of Energy (DOE) “energy conservation” standards for manufactured housing. A bill filed by Rep. Erin Houchin (R-IN) which would have repealed both the May 31, 2022 DOE standards and the EISA energy standards mandate, has been replaced with much less definitive language. This language, merely requiring any such standard to be approved/or “adopted” by HUD would do little or nothing to stop an administration focused on “climate change” as a top priority. Similarly, mandating new manufactured home “energy conservation” standards within one year of enactment is unnecessary and would needlessly increase the acquisition cost of manufactured homes, while excluding even more potential consumers from the market.
5. Instead of definitively resolving these key issues for the benefit of the entire industry and consumers, the bills appear to focus on (1) promoting certain higher-end, higher-cost manufactured home models; (2) promoting and advancing the status and utilization of modular homes which compete with certain segments of the manufactured housing market; and (3) as a consequence of points 1 and 2, increasing the purchase cost baseline for all manufactured homes.
6. Put differently, by promoting the utilization of higher-cost manufactured home models and modular homes (which exceed the average purchase cost of a new HUD Code manufactured home), the proposed changes will push the entire market toward higher price levels, which will exacerbate consumer market exclusion, which already stands at unacceptable levels.
7. Further, by undercutting the affordability of the lower-cost portion of the manufactured housing market, the proposed changes will likely result in further consolidation of the industry and production, leading to a reduction in competition and additional pressure for higher price levels and the potential future disappearance of federally-regulated manufactured housing.

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