



February 26, 2018

Regulations Division
Office of General Counsel
Department of Housing and Urban Development
451 7th Street SW, Room 10276
Washington, DC 20410-0500

Docket Number: FR-6075-N-01 – Regulatory Review of Manufactured Housing Rules

Dear Secretary Carson,

The Texas Manufactured Housing Association (TMHA) is a state based trade organization representing all aspects of the Texas manufactured housing industry. TMHA is comprised of approximately 600-member companies with over 1,000 individual affiliate members. In accordance with Executive Orders 13771 and 13777, TMHA is please that HUD has called for a review of the manufactured housing program.

We welcome this opportunity to provide public comments that will assist HUD in identifying regulations that may be “outmoded, ineffective or excessively burdensome and should be modified, streamlined, replaced or repealed.”

Role of Manufactured Housing

It is common in law, rules, and policy from the federal, state and local government levels to admit that manufactured housing, “plays a vital role in meeting the housing needs of the Nation.” (42 U.S.C. 5401(a)(1)).

The American Planning Association (APA) includes in its Policy Guide on Housing a policy position for local planners to include manufactured housing as part of the general goal to encourage, “innovative housing options for diverse populations” and to “create more housing opportunities for low-income households.” (<https://www.planning.org/policy/guides/adopted/housing.htm>) The APA recognizes that manufactured housing has an important role across all spectrums of single family housing stating that manufactured housing, “has been clearly shown to be an economically efficient method of providing infill housing in urban areas;” “[m]anufactured housing plays an increasingly significant role in meeting rural housing needs;” and “[t]he use of manufactured housing in new subdivision development has proved to be a sound housing development method.”

(<https://www.planning.org/policy/guides/adopted/factoryhousing.htm>)

And yet time and again cities across the county, through their local zoning and planning powers, exclude manufactured housing as a housing choice option.

TMHA would encourage HUD to take a holistic approach to not only its rule and program review, but how to best promote and support manufactured housing as a viable and valuable home choice option.

TMHA would like HUD to pursue policy goals to streamline regulatory hurdles, such as differing installation standards from the Model Installation Program to that of FHA programs.

TMHA would like HUD to protect manufactured housing as a home choice option through broad and liberal construction of federal preemption.

Finally, TMHA encourages HUD to take an aggressive stance to preserve the home choice rights of Americans who would like the option to consider a manufactured home. Home ownership has long been considered part of the American Dream, but for many Americans that choice is being limited or prohibited when it comes to manufactured housing. For many Americans, especially moderate-income Americans in rural communities, when manufactured homes are eliminated by local polices as a possible option they are left without any other viable home choices.

Support of MHI's Five Critical Issues

TMHA echoes and supports the comments submitted by the Manufactured Housing Institute (MHI) regarding: On-Site Completion of Construction; Foundation Requirements in Freezing Areas; Excessive Alternative Construction Requirements; Failure to Enforce Preemption; and HUD Code Updates and Enforcement. These critical issues are properly addressed in MHI's comment letter, and as such will not be repeated in TMHA's comments.

Innovation and improvements are critical to the future success of manufactured housing. A regulatory framework that encourages innovative ideas, new designs, and greater functionality as well as aesthetic home options will lead to greater homeowner satisfaction, and advance the public's understanding and perception of today's modern manufactured homes.

Outdated Formaldehyde Notice and Differing Installation Standards within HUD Programs

In addition to general policy recommendations and support for our national association's five key issues, TMHA also recommends that HUD review the "Health Notice on formaldehyde emissions" in Sec. 3280.309.

With the Formaldehyde Emission Standards for Composite Wood Products Act of 2010 and resulting Environmental Protection Agencies 2017 rules on formaldehyde emissions from certain wood products produced domestically or imported into the United States, the current disclosure requirements in Sec. 3280.309 are obsolete and outdated. The composite wood standards that apply to all manufacturers who utilize composite wood in the U.S. are sufficient and should be evenly applied without the need for additional and outdated disclosures.

Finally, TMHA would encourage HUD to coordinate with its partners who administer the Title I and II programs with FHA to adopt the Model Installation Standards in 24 CFR 3285 as acceptable installation standards for the FHA programs. The Model Installation Standards now apply throughout the country in both default and non-default states under the HUD program. The complete coverage of the model installation standards should pave the way for a single set of installation requirements that should also satisfy the FHA financing programs for manufactured housing.

Conclusion

TMHA applauds HUD's goal to reduce burdensome and unnecessary regulations. Streamlining and refining regulations to update them because of subsequent law changes and providing consistency across multiple federal programs will greatly benefit consumers and the industry. TMHA encourages HUD to take an active role in promoting and protecting the home choice rights of Americans by ensuring that today's modern, efficient, and affordable manufactured homes are treated on an equal local playing field with other home choices.