

**FULL AND PROPER IMPLEMENTATION OF THE MANUFACTURED HOUSING
IMPROVEMENT ACT OF 2000 -- FACT SHEET # 1**

HUD HAS NOT APPOINTED A NON-CAREER PROGRAM ADMINISTRATOR

One of the key reforms of the 2000 law directed HUD to appoint a non-career administrator for the federal manufactured housing program.

The HUD program, however, has not had an appointed non-career administrator since 2004. HUD claims that it has no obligation to appoint such a non-career program administrator because the word “may” appears in section 620(a) of the 2000 law, which precedes section 620(a) (1)(C) regarding a non-career administrator. Based on this, HUD maintains that the 2000 law “contains no express or implied requirement for the Secretary to appoint a non-career Administrator.” This is a serious misreading of the law.

The law states in section 620(a) that the Secretary of HUD may “establish and collect” a reasonable fee to offset the expenses the Secretary incurs in carrying out his “responsibilities” under the law. Those responsibilities are then listed in the law -- in section 620(a)(1)(A)-(G) and includes, among other things, the responsibility to provide “the funding for a non-career administrator” for the manufactured housing program. Under the plain wording of the law, the word “may” applies to the establishment of the fee. Once that fee is established, however -- as it has been -- it is to be used to offset the Secretary’s statutory “responsibilities.”

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