

**FULL AND PROPER IMPLEMENTATION OF THE MANUFACTURED HOUSING
IMPROVEMENT ACT OF 2000 -- FACT SHEET # 4**

HUD HAS UNDERMINED THE INDEPENDENCE OF THE MHCC

The Manufactured Housing Consensus Committee (MHCC) was established by Congress in the 2000 law as a replacement for the National Manufactured Housing Advisory Council (Advisory Council). Congress abolished the toothless Advisory Council because it was limited to standards only and was easily and consistently bypassed by HUD, which was not required to consider its recommendations. The MHCC, by contrast, was designed by Congress to have presumptive authority to review and comment on all HUD proposals and actions affecting the federal standards and enforcement regulations, and their interpretation. The 2000 law thus establishes specific statutory mandates as to what types of matters must be brought to the MHCC (i.e., standards, regulations, interpretations and changes to enforcement related practices and policies) and when those matters must be brought to the MHCC (i.e., in advance, or be deemed “void” under section 604(b)(6)). It also establishes specific substantive (i.e., section 604(e)) and procedural requirements (i.e., sections 604(a) and (b)) for MHCC consideration of those matters, as well as actions the Secretary must take (i.e., sections 604(a)(5) and 604(b)(3)-(4)).

HUD, however, claims that the MHCC is merely a routine federal advisory committee and has relied upon the Federal Advisory Committees Act (FACA) in an effort to transform the MHCC into a meaningless rubber stamp, akin to the defunct Advisory Council. It has thus acted to: (1) control the issues considered by the MHCC; (2) drastically limit public notice of -- and participation in -- MHCC meetings; (3) hand-select the MHCC chairman and subcommittee chairmen; (4) hand-select appointments to subcommittees; and (5) control the assignment of proposals to particular subcommittees. Nothing in FACA, however, supports these positions. Indeed, FACA states that it applies: “except to the extent that any Act of Congress establishing any such advisory committee specifically provides otherwise.” Thus, the specific MHCC authority and procedures established by Congress would supersede FACA in any event.

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