

**FULL AND PROPER IMPLEMENTATION OF THE MANUFACTURED HOUSING
IMPROVEMENT ACT OF 2000 -- MHARR FACT SHEET # 8**

HUD HAS WRONGLY RE-CODIFIED NEW 2000 LAW PROGRAMS

Congress, in the 2000 law, created two new programs -- installation and dispute resolution -- designed to close the loop on consumer protection and ensure that manufactured homes are not only safe and properly constructed, but are also installed properly and perform as intended once installed. In establishing the new installation program, in particular, Congress was following a recommendation of the National Commission on Manufactured Housing (National Commission), that the federal installation standards be adopted and included within the existing Part 3280 construction and safety standards -- “The Commission recommends that all new manufactured homes be installed according to installation standards developed by the consensus committee and included in the HUD Code.” (Emphasis added). HUD, however, citing the “structure” of the 2000 law, has re-codified installation outside of the Part 3280 HUD Code, leading to confusion and difficulty for the industry and consumers that Congress did not intend.

HUD claims that because installation is addressed in section 605 of the 2000 law, separately from the development of Part 3280 construction and safety standards in section 604, that it is appropriate to codify the installation standards outside of the Part 3280 construction and safety standards. But this ignores the specific recommendation of the National Commission as well as the simple reality that when Congress disbanded the National Manufactured Housing Advisory Council, section 605 was left without any content and, in order to avoid a renumbering of the law, Congress simply inserted the new installation mandate as the new section 605, without intending that the resulting installation standards would be anything other than Part 3280 standards.

This re-codification of installation outside of the Part 3280 standards has not yet caused major problems simply because the federal installation program and standards have not been fully implemented. But once they are, the problems resulting from re-codification will predictably become much worse. First, the re-codification of these new programs strips the MHCC of any statutory authority to review them or propose changes. Second, and more importantly, the re-codified installation standards, because they are outside of the HUD Code, are not preemptive, thus giving carte blanche to local officials to discriminate against manufactured housing with “installation” standards that are actually designed to restrict its placement or eliminate it altogether, while exposing manufactured homes to varying local installation standards (in states without compliant installation programs) that will unnecessarily increase the cost of manufactured homes. All of this will bring about needless disputes and confusion that will negatively impact the affordability, availability and utilization of manufactured housing.