



October 18, 2019

U.S. Department of Housing and Urban Development  
Office of the General Counsel, Rules Docket Clerk  
Room 10276  
451 7<sup>th</sup> Street SW  
Washington, DC 20410-0001

Re: Docket No. FR-6111-P-02  
RIN 2529-AA98  
HUD's Implementation of the Fair Housing Act's Disparate Impact Standard

Dear Secretary Carson,

The Manufactured Housing Institute (MHI) is pleased to provide comments in response to the U.S. Department of Housing and Urban Development's (HUD) proposed rule to amend the Department's interpretation of the Fair Housing Act's disparate impact standards.

MHI is the only national trade association that represents every segment of the factory-built housing industry. Our Members include home builders, suppliers, retail sellers, lenders, installers, community owners, community operators, and others who serve the industry, as well as 49 affiliated state organizations.

MHI appreciates HUD's interest in providing guidance and alignment with respect to the Supreme Court's 2015 decision in *Texas Department of Housing and Community Affairs v. Inclusive Communities Project, Inc.*,<sup>1</sup> which deals with disparate impact. However, MHI is concerned that, as drafted, the rule could undermine HUD's stated goal in its September 5, 2019 housing finance report of combatting regulatory barriers to affordable housing, including manufactured housing, and similarly could undermine the objectives of the Administration's *Council on Eliminating Regulatory Barriers to Affordable Housing* which was established in June.

The Manufactured Housing Institute (MHI) - sometimes as a result of pressure from their rival trade group, the Manufactured Housing Association for Regulatory Reform (MHARR) and/or from well-read reports within manufactured housing by MHPProNews and MHLivingNews - at times appears to say and do 'helpful' things. Such is the case in their letter. But some issues have been outstanding for a decade or more. An occasional letter by MHI that few people see is arguably more of a fig leaf. MHI hasn't even posted this letter on their own website. Meanwhile, over those years, regulations thwart more affordable manufactured home sales. That allows larger firms to consolidate smaller ones at a discount. Numbers of MHI's own past and current members are often frustrated.

### Benefits of Manufactured Housing to Consumers and the Economy

Manufactured housing is the largest form of unsubsidized affordable housing in the U.S. and the only type of housing built to a federal construction and safety standard. It is also the only type of housing that Congress recognizes as playing a vital role in meeting America's housing needs as a significant source for affordable homeownership accessible to all Americans. Today, twenty-two million people live in manufactured housing and the industry employs tens of thousands of Americans nationwide.

In 2018, our industry produced nearly 100,000 homes, accounting for approximately 10 percent of new single-family home starts. These homes are produced by 34 U.S. corporations in 130 plants located

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<sup>1</sup> *Texas Dept. of Housing and Community Affairs v. Inclusive Communities Project, Inc.*, 576 U.S. \_\_\_\_ (2015).

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across the country. MHI's members are responsible for close to 85 percent of the manufactured homes produced each year.

This section above of the MHI letter is largely accurate. However, it too has misleading points. 3 firms account for about 80 percent of all manufactured home production on this date. 1 has about 50 percent market share, and that is Clayton Homes.

A White House source told *MHProNews* and the Manufactured Housing Association for Regulatory Reform that they are 'aware' of the "enhanced preemption" provision of the Manufactured Housing Improvement Act (MHIA) of 2000. Here is how [MHARR reported it on June 26, 2019](#). **"And, indeed, in response to an inquiry from MHProNews Publisher L.A. Tony Kovach, it appears that the specific issue of federal preemption will be "on the table" in this process."**

There are several things that letters like this fail to address that are arguably central to the issues at hand. HUD Secretary Carson's statements in several mainstream media video news reports indicates his belief that manufactured homes are misunderstood. One example is linked below, but *Bloomberg*, *ABC*, and other news sources have similar reports. HUD and MHI have their own videos that say similarly.

<https://www.youtube.com/watch?v=qY3elhsqa4&t=1s>

Several points arise, but let's begin with this. If the public doesn't understand the problem and how manufactured housing is a proven solution, then why aren't reports like the one below publicized by MHI?

<https://valuepenguin.com/home-insurance/fear-manufactured-homes-affordable-housing-crisis>

MHI can arguably be routinely be accused of action and inaction that de facto picks winners and losers. Larger firms tend to benefit from heavy regulations.



Carol Roth



**“In fact, big companies secretly love regulation because regulations are in fact anti-competitive -- every new rule, law or compliance measure limits the ability of existing smaller competitors or new start-ups to compete. While big businesses can use their caches of cash to fund new people and procedures to deal with regulation, for many small businesses, a new regulation can put them out of business.”**



The slow walking of regulatory reform thus logically benefits larger firms over smaller ones. MHI posturing efforts - in letters like this Oct 18, 2019 one from EVP Lesli Gooch to HUD Secretary Carson – gives them a paper trail that may appear on the surface to indicate that they are doing their jobs. But when additional facts are brought to light, a different picture emerges.

For example, why do none of those videos or known public remarks by HUD Secretary Carson address the MHIA and the “**enhanced preemption**” provision of the law?

MHARR issued a letter in a published post linked below addressed to Secretary Carson that cites Congressional leaders asking HUD why isn’t “**enhanced preemption**” being enforced?

<https://manufacturedhousingassociationregulatoryreform.org/mharr-calls-on-hud-secretary-to-end-discriminatory-and-exclusionary-zoning-of-hud-regulated-manufactured-homes/>

Let’s return to Gooch’s letter.

Manufactured housing is one solution that is helping to solve the shortage of affordable housing in this country and making the dream of homeownership an affordable and attainable reality for millions. The affordability of manufactured homes enables individuals to obtain housing that is often much less expensive than renting or purchasing a site-built home, with the average cost of a new manufactured home without land being \$71,900. Indeed, the recently released Housing Finance Reform Plan report by HUD states that “manufactured housing plays a vital role in meeting the nation’s affordable housing needs.”

- > Berkshire Hathaway brands are becoming more involved in rental property.
- > By purportedly thwarting manufactured housing in the short term, they have demonstrably increased their market share from 13 percent in 2003 to some 50 percent by 2018. Rephrased, they are 'winning' either way.

### Administration Focus on Eliminating Regulatory Barriers and HUD's Preemption Powers

On June 25, 2019, the President issued an Executive Order entitled "Establishing a White House Council on Eliminating Regulatory Barriers to Affordable Housing." As the Chair of the Council, Secretary Carson is leading the Council's effort, which is composed of members from eight Federal agencies, tasked to engage State, local, and tribal leaders across the nation to discuss and alleviate issues surrounding affordable housing.

Two of the stated goals of the Council are to "work across agencies, States, local governments, tribal governments, and private-sector stakeholders to identify policies that artificially increase the cost of developing affordable housing" and "take action within existing Federal programs to align and support local, and tribal state efforts to reduce regulatory and administrative burdens that discourage housing development." By making it more difficult to challenge regulatory barriers to affordable housing, the proposed rule would have the opposite result.

MHProNews and MHLivingNews have reported that tribal interests are being harmed by policies that seem to benefit Berkshire Hathaway brands, while Native Americans and people of all other races are paying higher interest rates than would otherwise occur if Government Sponsored Enterprises (GSEs) were fully complying with the Duty to Serve (DTS) Manufactured Housing and underserved markets rule mandated by HERA 2008. Who says? Senator Tina Smith, (MN-D), and a recent regional FED report.

<https://www.manufacturedhomepronews.com/native-american-racial-minorities-in-housing-and-manufactured-homes-per-fed-harmed-by-lending-practices-clayton-homes-berkshire-hathaway-affiliated-lenders-cited/>

<https://www.manufacturedhomelivingnews.com/senator-tina-smith-urges-republican-democratic-senators-to-provide-greater-financing-access-to-affordable-manufactured-homes/>



minneapolisfed.org

**"We believe further investigation around the manufactured home financing market structure might be necessary if home loans are going to be made equally affordable for AIAN borrowers."**

- Donna Feir, Ph.D.,  
Research Economist

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That [report that includes the statement quoted above](#) specifically cited mainstream news concerns over MHI members Clayton Homes, 21<sup>st</sup> Mortgage Corporation, and Vanderbilt Mortgage and Finance (VMF), all Berkshire Hathaway owned brands.

On September 5, 2019, the U.S. Department of the Treasury and HUD issued Housing Finance Reform Plans. Both plans recognize the critical need for more affordable housing and identify regulatory barriers as an impediment to affordable housing. Treasury's report states that the "GSEs should also continue to support affordable housing for low- and moderate-income, rural, and other similar borrowers."<sup>2</sup>

HUD's report included a focus on manufactured housing, with a separate section entitled "Eliminating Regulatory Barriers to Affordable Housing Including Manufactured Housing." That section stated that "policies that exclude or dis-incentivize the utilization of manufactured homes can exacerbate housing affordability challenges because manufactured housing potentially offers a more affordable alternative to traditional site-built housing without compromising building safety and quality."

For years MHI has been advocating that HUD's existing preemption authority allows broader authority over zoning and land use planning that negatively impacts the availability of affordable housing. This preemption argument goes together with what MHI believes to be HUD's authority regarding disparate impact.

MHI's letter is well crafted, raises several valid points, but is still misleading. MHI had numerous opportunities to press these points in person with Sec. Carson or other HUD officials. Why didn't they? MHI's website provides clues.

<sup>2</sup> See U.S. Department of the Treasury Housing Reform Plan Pursuant to the Presidential Memorandum Issued March 27, 2019, September 2019, at 3.

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**The Impact of Restrictive Local Zoning and Land Planning Ordinances on Manufactured Housing**

Zoning and land planning ordinances have a profound impact on housing patterns. In particular, restrictive local ordinances – which can include significant limitations or prohibitions against manufactured housing – can act as barriers to affordable housing.

As Secretary Carson noted on the day the President signed the Executive Order Establishing the White House Council on Eliminating Regulatory Barriers to Affordable Housing, "we can increase the supply of affordable homes by changing the cost side of the equation."

Moreover, zoning ordinances that are exclusionary or restrictive with respect to manufactured housing can clearly violate the Fair Housing Act, as HUD and the Department of Justice (DOJ) have publicly recognized. According to a November 10, 2016, Joint Statement of HUD and DOJ, titled State and Local Land Use Laws and Practices and the Application of the Fair Housing Act:

Examples of land use practices that violate the Fair Housing Act under a discriminatory effects standard include minimum floor space or lot size requirements that increase the size and cost of housing if such an increase has the effect of excluding persons from a locality or neighborhood because of their membership in a protected class, without a legally sufficient justification.

MHI urges HUD to work with these agencies to amend the statement to include other types of discriminatory actions that restrict manufactured housing.

Much of this section above is fine. Indeed, properly understood, it is useful. However, what follows this section of MHI's letter signed by EVP Gooch is arguably misleading and indicative of a pattern that MHI has followed since Berkshire Hathaway brands began to flex their control over the Arlington, VA based trade group. Berkshire and a few 'big boy' players in apparent league with them get what they want from MHI, per sources inside the organization.

There are numerous examples of zoning ordinances that restrict the use of and discriminate against manufactured housing. In April of this year, Bryan, Texas, voted to eliminate the city's MU-1 mixed use residential zone, which is the only zone allowing manufactured homes on individual lots. Census data indicates that this zone has many persons that would qualify as protected under the Fair Housing Act. According to news reports, this change will affect roughly 2,600 parcels of land, 1,167 landowners, and will strip more than 750 manufactured homes of their market value. Appendix A of this letter offers additional examples of similar situations, with a representative range of types of exclusionary local zoning actions across a variety of jurisdictions. These examples reflect a growing trend whereby local jurisdictions adopt land planning ordinances and utilize code enforcement that excludes manufactured housing without considering whether such action intentionally discriminates, or results in disparate treatment, against a protected class of persons.

This section on page 3 of MHI EVP Gooch's letter is demonstrably misleading at best. True, the City of Bryan did move to eliminate the placement of more manufactured homes there. However, what this letter fails to mention is this. MHI was asked repeatedly to intervene and make their case before the ban was voted and before the ban's challenge by Young Democrats of BCS and others. MHProNews sources in Bryan, TX tell us that MHI made no effort. They could have raised "enhanced preemption" or "disparate impact" arguments then, when didn't they? Furthermore, when MHProNews asked HUD officials to intervene, they too failed to act. Why didn't they? None of that is mentioned in this letter. That's part of what makes this letter useful in some aspects, but purportedly deceptive in others.

#### Proposed Rule Changes Test Under HUD's 2013 Disparate Impact Final Rule

HUD's 2013 Disparate Impact Final Rule established uniform standards for determining when a housing practice with a discriminatory effect violates the federal Fair Housing Act, setting out a three-step burden-shifting process between plaintiffs and defendants.

The proposed rule would eliminate this burden-shifting approach and replace it with a five-part test, which would require plaintiffs to:

- (1) plead that a challenged practice is arbitrary, artificial and unnecessary to achieve a valid interest or legitimate objective;
- (2) allege a "robust causal link" between the challenged policy or practice and the disparate impact;

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- (3) explain how the challenged policy or practice has a harmful effect on a protected class as a group – not just an individual;
- (4) allege that a disparity caused by the policy or practice is significant; and
- (5) allege that an injury is directly caused by the challenged policy or practice.

This section of the MHI's letter may be useful. But MHI's staff, wittingly or not, may through such letters exhibit a longer term strategy by Berkshire brands, waiting for a change in administrations that may be more favorable to the Omaha-based conglomerate and their Knoxville, TN metro based units such as Clayton Homes, 21st Mortgage Corp, and Vanderbilt Mortgage and Finance (VMF). One must keep in mind that complex regulations favors larger firms over smaller ones, per numerous studies. Heavy regulations tend to act as a barrier to business entry, persistence, or exit. But having enhanced preemption as an ace for later use by the Omaha-Knoxville-Arlington axis is why they may play hide-and-seek with useful laws.

Only after meeting this five-part test could the legal process proceed. If met, defendants would need to offer a legitimate justification for the challenged policy or program. However, plaintiffs would be required to defend the five-part test at the Motion to Dismiss stage, which is early in the process and prior to full discovery, which is critical to fact finding and important to establishing or defending the plaintiff's case. In summary, the establishment of the five-part test and the requirement to defend the five-part test in a Motion to Dismiss shifts the burden substantially to the plaintiffs in pleading their case.

HUD's proposed rule states that it is being issued to update its existing regulation to conform with the decision by the U.S. Supreme Court in *Inclusive Communities Project*.<sup>3</sup> In that case, the Supreme Court upheld disparate impact as cognizable under the federal Fair Housing Act, ruling that that in a disparate impact claim, a plaintiff may establish liability, without proof of intentional discrimination, if an identified business practice has a disproportionate effect on certain groups of individuals and if the practice is not grounded in sound business considerations. Writing for the majority, Justice Kennedy stated that, "...antidiscrimination laws must be construed to encompass disparate impact claims when their text refers to the consequences of actions and not just to the mindset of actors, and where that interpretation is consistent with statutory purpose." Justice Kennedy went on to note that:

Recognition of disparate impact claims is consistent with the Fair Housing Act's central purpose. The Fair Housing Act, like Title VII and the ADEA, was enacted to eradicate discriminatory practices within a sector of our Nation's economy...**These unlawful practices include zoning laws and other housing restrictions that function unfairly to exclude minorities from certain neighborhoods without any sufficient justification. Suits targeting such practices reside at the heartland of disparate impact liability.** (Emphasis added)

This section from page 4 of MHI's letter is largely useful. But it also begs several questions. For example, why hasn't MHI pressed these issues during in-person meetings with top HUD officials? Based on known facts, this segment of their letter reveals missed opportunities that speak loudly.

#### Impact of Proposed Rule on Local Zoning and Land Use Planning Decisions Regarding Manufactured Housing

While zoning and land use planning decisions historically have been the purview of local governments, disparate impact has been one of the primary legal tools available to challenge restrictive ordinances that have the effect of impermissibly discriminating against individuals of a protected class. More specifically, disparate impact has been used to challenge local zoning and land use planning policies that exclude manufactured housing or create unreasonable barriers designed to prevent such use.

The lengths to which communities go to exclude manufactured housing go beyond just the zoning code and, more often than not, have a discriminatory disparate impact on persons protected under the Fair Housing Act. It is without question they have a negative impact on the availability of affordable housing.

The various ways in which cities and counties have used zoning and land use planning to restrict the placement of manufactured homes are set forth in Exhibit A. MHI and its member state associations

<sup>3</sup> See "HUD's Implementation of the Fair Housing Act's Disparate Impact Standard," Federal Register, August 19, 2019, Vol. 84, No. 160, p. 42857.

Useful observations that also reflect MHI's and HUD's past failures to robustly work to enforce existing federal laws and legal decisions.

have investigated all of these cases and believe that many of the methods being employed are having a discriminatory disparate impact on persons protected under the Fair Housing Act. At the very least, the potential impact under the Fair Housing Act is not being considered as a factor in the decision-making process. In several of the instances listed, Federal lawsuits have been filed alleging discrimination based upon both intentional discrimination and disparate impact theories.

Each of the instances listed whereby localities have discriminated against manufactured housing and those persons who reside in them have had a negative adverse impact on the availability of affordable housing. To that end, it is important to consider that the current disparate impact rule serves a vital role in educating communities, including public officials, about the unintended consequences of local zoning and land use planning decisions, some of which limit or prohibit the availability of affordable housing. Any proposed changes that would limit the type or number of disparate impact cases that may be brought denies the public and policymakers of the important educational aspects of this current rule.

As we understand it, the Supreme Court, in its *Inclusive Communities Project*<sup>4</sup> decision, did not intend to make it more difficult to bring such claims. However, as noted, the proposed rule would significantly increase the legal burden on plaintiffs by requiring them to meet a five-part test in order to establish a prima facie case of unlawful discrimination. In our opinion, this change would establish a legal standard that is so strict as to effectively nullify disparate impact as a legal tool to both challenge discriminatory local zoning and land use planning actions that constitute housing discrimination and create barriers to affordable housing.

Accordingly, MHI urges the Department to revise or eliminate the new application of standards for establishing disparate impact with respect to discriminatory local zoning and land use planning decisions, in order to preserve the ability of plaintiffs to pursue legitimate disparate impact cases against discriminatory actions that impede affordable housing, including manufactured housing.

Useful information that indirectly highlights MHI's and certain HUD officials failure to do what the law requires. See what former HUD Office of Manufactured Housing Programs Administrator Bill Matchneer said in the report linked below as an example.

<https://www.manufacturedhomeprnews.com/bombshells-former-hud-manufactured-housing-program-administrator-bill-matchneer-cavcos-manuel-santana-statements/>

#### Concerns about a "Single Event" Standard

Of particular concern is language in the proposed rule that appears to constrain the use of disparate impact in the case of a "single event." While we appreciate the general intent of this approach, we believe it is unduly restrictive in the context of discriminatory local zoning actions. Specifically, the rule includes the following statement:

Plaintiffs must identify the particular policy or practice that causes the disparate impact. Plaintiffs will likely not meet the standard, and HUD will not bring a disparate impact claim, alleging that a single event—such as a local government's zoning decision or a developer's decision to construct a new building in one location instead of another—is the cause of a disparate impact, unless the plaintiff can show that the single decision is the equivalent of a policy or practice. In unusual cases, a plaintiff may still be able to succeed at identifying a one-time decision, if the plaintiff can establish that the one-time decision is in fact a policy or practice.

We understand how the rule might wish to provide constraints on use of a single action to demonstrate disparate impact in circumstances in which a private entity is serving a large number of customers. However, a single zoning decision can have wide applicability or impact.

<sup>4</sup> See "HUD's Implementation of the Fair Housing Act's Disparate Impact Standard," Federal Register, August 19, 2019, Vol. 84, No. 160, p. 42857.

Once more, useful points that are cogently put. However, it begs the question about allegations of collusion between certain MHI connected individuals and HUD officials. Numerous instances where enhanced preemption or the AFFH could have been applied, why didn't MHI speak out? Why didn't HUD already act? Both knew the law.

Contrary to the proposed rule, a single change to a zoning standard or single application of a zoning standard, does in fact set a community's policy or practice with respect to zoning policy as well as its policy towards affordable housing. It does not take multiple changes to a community's zoning code to affect a community's policy or practice. A single change can, and often does, result in a change to a community's policy or practice. That single change establishes a new pattern. Thus, the statement that HUD will not bring a disparate impact claim based on a single event is deeply troubling.

The language above from the proposed rule appears to create a burden of meeting some much more stringent bar than the standard set forth in *Inclusive Communities Project* – i.e., a “policy” or “practice.” We are particularly concerned that in the context of local zoning decisions, this could create an unreasonably high burden, and therefore sanction discriminatory zoning actions.

MHI would suggest that this standard be amended, in the distinct area of zoning actions, to clarify that this burden is met in the case of a single zoning action when the action has broad applicability or impact. The number of actions is not the point – the impact is.

#### Conclusion

Manufactured homes remain the most affordable homeownership option available in the U.S. today. MHI reiterates its appreciation for the efforts of this Administration, including the Department of Housing and Urban Development, to prioritize the importance of manufactured housing as a critical affordable housing option and to work to reduce barriers to its use. MHI also appreciates the sincere desire of HUD to bring more legal clarity to the standards used in alleging and defending disparate impact cases. In this spirit, we ask that HUD consider changes to the proposed rule to ensure that legitimate challenges to discriminatory local zoning can be brought using the standard of disparate impact. We appreciate consideration of these comments.

Sincerely,



Lesli Gooch, Ph.D.  
Executive Vice President for Government Affairs & Chief Lobbyist

Nicely phrased. There may indeed be members of the Trump Administration that want to properly enforce good laws.

The thrust of the arguments in this letter are fine, but the examples and implications arguably betray MHI's sincerity in terms of timing. If MHI wanted to advance the cause of manufactured housing in the short term, there are a variety of steps it could have taken, but did not. At this time, there is no known statement by HUD Sec Carson about "enhanced preemption." HUD's Brian Montgomery certainly knows "enhanced preemption," as does HUD's Teresa Payne and others. Why hasn't that or AFFH been enforced? Why a periodic statement by MHI - mostly seen by members - instead of public ones coupled with efforts to enforce the AFFH, "enhanced preemption" or other federal laws?

Gooch's letter should be understood in the light of an article authored by Gooch, fact-checked below.

<https://www.manufacturedhomepronews.com/manufactured-housing-institute-evp-lesli-gooch-industry-progress-in-her-words-manufactured-housing-improvement-act-and-enhanced-preemption/>

Furthermore, there must be a clear understanding that MHI purportedly has a pattern that is discernable. That pattern? Posturing action, saying useful things, but doing little of practical short term value. Their own website makes that point.



## MEMBERS

### Affordable Housing

by Patricia Boerger | May 23, 2018 |

Affordable Housing Solution: Manufactured Homes Manufactured Homes Provide Housing for Working People A Solution to the Nation's Lack of Affordable Housing In towns across the country, workers are struggling to make ends meet – and the high cost of housing is a big...

DISPARATE IMPACT

If MHI says that this is an important issue for them, why is it that it is mentioned only once and that instance is in 2018? The disparate impact decision was made by the Supreme Court in 2015. This screen capture from the MHI website was done on 2019-10-20 at 10:36 ET.



## MEMBERS ABOUT MHI PRO

### Legislative and Regulatory Priorities

by omni2 | Nov 22, 2016 |

MHI's Top Federal Policy Priorities As the largest national professional trade association for the factory-built housing industry, MHI works to elevate the profile of manufactured housing by advocating before Congress and the Administration. MHI's advocacy efforts are...

PREEMPTION

This is not the strongest phrasing for this issue, for reasons that MHI's attorney surely must know, because it ignores the enhanced preemption that they themselves have referred to in some correspondence with HUD Secretary Carson starting in the summer of 2019. The date on this is posted could be questioned.



## MEMBERS

### No Results Found

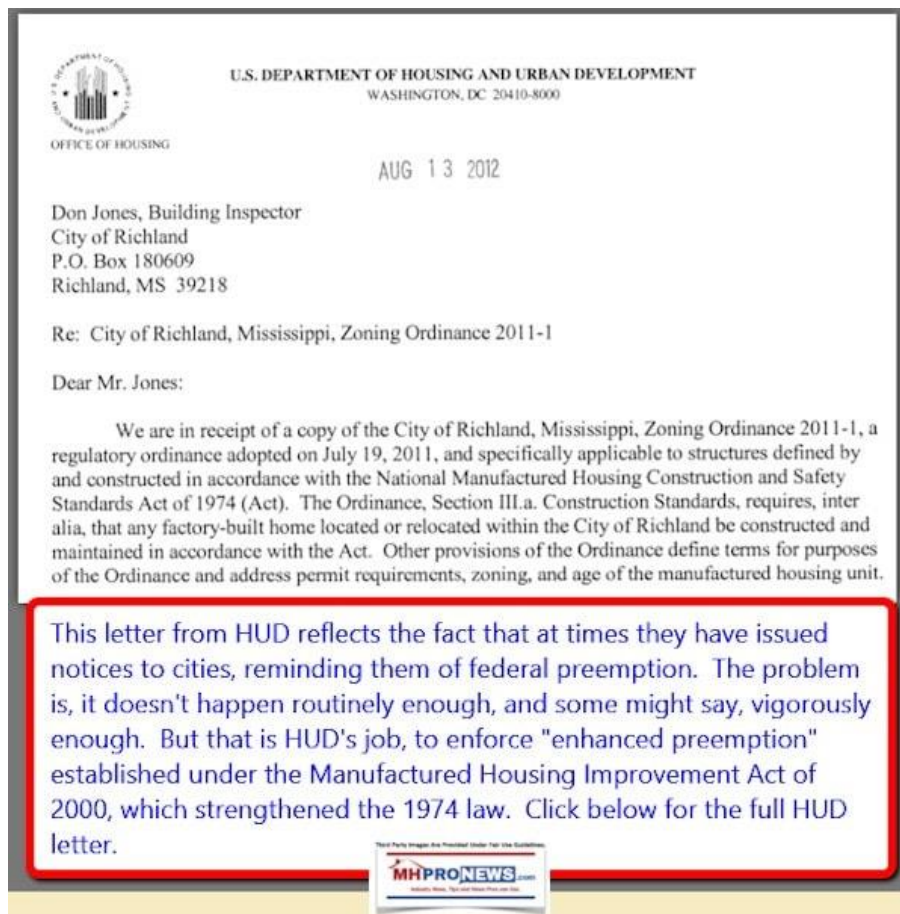
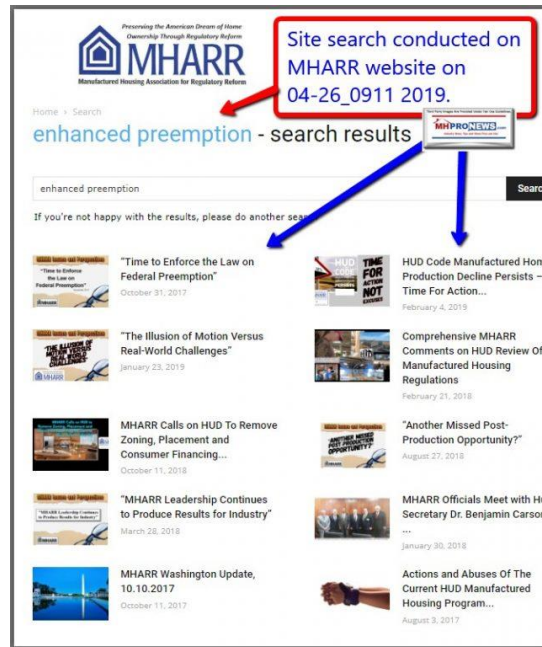
The page you requested could not be found. Try refining your search, or use the navigation above to locate the post.

This is the phrase used in the Manufactured Housing Improvement Act (MHIA) of 2000. The words matter.

ENHANCED PREEMPTION

Once more, after the MHI letter on 10.18.2019, on 10.19.2019 MHI still has no mention of enhanced preemption on their own website. By contrast rival MHARR has numerous references.

Compare and contrast MHARR's publicly calling for "**enhanced preemption**" to be enforced, while MHI has for whatever reason failed to post it on their own website.



MHI is aware of this case, and others. Why aren't they on the MHI website? Why is it found on *MHProNews*, but not on MHI's website?

MHLivingNews has promoted the good that was done in the Obama era; for example, the useful research that documented that manufactured homes appreciated in value side-by-side with conventional housing. That could be one of the more important research studies, and it is part of our collection at the link below.

<https://www.manufacturedhomelivingnews.com/ultimate-reporters-researchers-affordable-housing-advocates-or-shoppers-3rd-party-research-reports-on-mobile-homes-manufactured-homes-and-modular-housing/>

Which begs the question: why hasn't MHI routinely and stubbornly promoted that and other research documents that MHProNews and MHLivingNews have? MHI has a larger staff, and a bigger budget by far than MHARR, MHLivingNews, and MHProNews combined. That being so, why are they routinely bringing up the rear in their efforts?



The evidence and logic are arguably increasingly clear. MHI postures periodically useful steps but does so in a manner that gives them cover for later without moving the ball ahead in the short term.

<https://www.manufacturedhomelivingnews.com/affordable-housing-needed-corporate-corruption-and-manufactured-homes-time-to-get-federal-officials-fully-involved/>

"Federal preemption as amended by the Manufactured Housing Improvement Act of 2000 [MHIA] is designed to allow HUD Code manufactured homes, constructed in accordance with the federal standards, to be shipped and sited anywhere in the United States, regardless of where the home is constructed."

**MHARR**  
Manufactured Housing Association for Regulatory Reform  
Preserving the American Dream of Home Ownership Through Regulatory Reform

This is essential to maintaining the uniformity of manufactured housing construction and safety regulation and maintaining the fundamental affordability of HUD Code homes.

As a corollary, it is designed to prevent local jurisdictions from imposing their own costly standards on HUD Code homes, or using standards or other devices, such as discriminatory zoning measures, to exclude HUD Code homes.

This benefits homebuyers by ensuring a uniform, cost-effective set of standards for construction and safety, while it benefits independent businesses by reducing the type of regulatory compliance burdens that would ensue if thousands of jurisdictions around the country were free to impose their own unique or differing standards or requirements.

**ULTIMATELY, THIS HELPS EXPAND HOMEOWNERSHIP OPPORTUNITIES FOR MILLIONS OF LOWER AND MODERATE-INCOME AMERICANS, WHILE IT HELPS INDUSTRY BUSINESSES TO GROW AND PROVIDE EMPLOYMENT OPPORTUNITIES IN THE NATION'S HEARTLAND.**

**MHLivingNews**  
Inspired Living for All

It is MHI member firms that are routinely connected to the bad news that keeps manufactured housing from being more widely embraced.

<https://www.manufacturedhomelivingnews.com/hbos-john-oliver-on-last-week-tonight-mobile-homes-video-manufactured-home-communities-fact-check/>

It was GSMOL resident leader that pointed out that MHAction is tied to the Tides nonprofit, and the report below reflects that the largest donor to the Tides is another nonprofit that is funded solely by Berkshire chairman Warren Buffett.

<https://www.manufacturedhomelivingnews.com/hbos-john-oliver-on-last-week-tonight-mobile-homes-video-manufactured-home-communities-fact-check/>

The importance of federal preemption is outlined by MHARR's president in the statement at left.

Democrats and Republicans alike who have researched these issues have come together to say that manufactured housing is an important part of the solution to the affordable housing crisis. They provide specific comparisons with multifamily housing.

<https://www.manufacturedhomelivingnews.com/democrats-republicans-agree-manufactured-homes-can-play-a-vital-role-in-easing-the-affordable-housing-shortage/>

MHProNews has and will continue to hold MHI and the powers that be in the Omaha-Knoxville-Arlington axis to account. <https://www.manufacturedhomelivingnews.com/monopolization-of-american-dream-telling-the-inside-story-of-home-ownership-gone-awry/>