



# Manufactured Housing Association for Regulatory Reform

1331 Pennsylvania Avenue, NW • Suite 512 • Washington, DC 20004 • 202-783-4087 • Fax 202-783-4075 • mharrdg@aol.com

May 5, 2026

VIA FEDERAL EXPRESS

Hon. Chris Wright  
Secretary  
U.S. Department of Energy  
1000 Independence Avenue, S.W.  
Washington, D.C. 20585

Hon. Scott Turner  
Secretary  
U.S. Department of Housing and Urban  
Development  
451 7<sup>th</sup> Street, S.W.  
Washington, D.C. 20410

Dear Secretary Wright and Secretary Turner:

As you are both aware, the Manufactured Housing Association for Regulatory Reform (MHARR) is a Washington, D.C.-based national trade association representing the views and interests of independent producers of manufactured housing subject to federal regulation by the U.S. Department of Housing and Urban Development (HUD) pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974 (1974 Act), as amended by the Manufactured Housing Improvement Act of 2000 (2000 Reform Law) (42 U.S.C. 5401, et seq.) and by the U.S. Department of Energy (DOE) pursuant to section 413 of the Energy Independence and Security Act of 2007 (EISA) (42 U.S.C. 17071).

On May 31, 2022, the Biden Administration DOE adopted discriminatory, excessive unnecessary and needlessly-costly “energy conservation” standards for federally-regulated manufactured homes based on the 2021 edition of the International Energy Conservation Code (IECC).<sup>1</sup> Although designated a “final rule” by DOE, compliance with – and enforcement of -- the May 31, 2022 standards has since been deferred and remains deferred at present.<sup>2</sup> Nevertheless, the draconian DOE standards remain pending and, therefore – because of their disproportionate and excessive cost -- represent a major ongoing threat to both the availability and affordability of HUD Code manufactured housing for American consumers (contrary to the express purposes of the 1974 Act and 2000 Reform Law) in the midst of an unprecedented national affordable housing crisis.

In addition to the manufactured housing energy conservation standards adopted by DOE, HUD – which has primary statutory authority over virtually all aspects of manufactured housing construction and safety regulation – has had under consideration, based on MHARR’s knowledge,

---

<sup>1</sup> See, 87 Federal Register, No. 104 (May 31, 2022) “Energy Conservation Program: Energy Conservation Standards for Manufactured Homes” at p. 32728, et seq.

<sup>2</sup> See, 90 Federal Register, No. 168 (September 3, 2025) “Public Input on Energy Conservation Standards for Manufactured Housing” at pp. 42545-42546, for a summary of DOE regulatory actions regarding the compliance date for the subject standards.

information and belief, the parallel adoption of either the DOE May 31, 2022 manufactured housing energy conservation standards or closely-related provisions derived in whole or in part from those DOE standards, as part of the HUD Manufactured Housing Construction and Safety Standards (24 C.F.R. 3280.1, et seq.), and has received recommendations relating thereto from the statutory Manufactured Housing Consensus Committee (MHCC).<sup>3</sup>

Based on these pending DOE and HUD regulatory actions, on March 25, 2026, I wrote to both of you, emphasizing that in accordance with President Trump’s March 13, 2026 Executive Order 14394, entitled “Removing Regulatory Barriers to Affordable Home Construction,” the May 31, 2022 DOE standards rule – because of its potentially devastating purchase price impacts -- must be withdrawn and revoked, and that any HUD consideration of, or administrative proceeding relating to such manufactured housing energy conservation standards, must similarly be halted and expunged. (See, copy attached).

Now, there has been a further development which clearly demonstrates and affirms that the DOE manufactured housing energy standards must be revoked, and that all related administrative procedures at both DOE and HUD must be terminated with prejudice. As is further detailed below, HUD has expressly rescinded energy criteria for new homes (other than manufactured homes) based on the same model code as the 2022 DOE “Final” energy standards for manufactured homes. Put simply, therefore, if that action is rescinded by HUD and the U.S. Department of Agriculture (USDA), then the parallel DOE/HUD energy standards for manufactured homes – based on the same model code – must also be rescinded based on the same factors and reasons.

Specifically, on May 1, 2026, HUD and USDA published, in the Federal Register, a joint rescission of their April 26, 2024 “Final Determination,” finding that the adoption of energy conservation standards for new single-family homes financed through HUD and USDA programs (other than manufactured homes) based on the 2021 IECC, would not negatively impact the affordability or availability of such homes.<sup>4</sup> (See, copy attached).

In the May 1, 2026 rescission, HUD and USDA determined that the April 26, 2024 IECC 2021 Final Determination -- adopted under a provision of EISA with terms nearly identical to those of section 413 -- violated a Trump Administration mandate to all executive branch departments and agencies to take “appropriate actions to lower the cost of housing and expand housing supply.”<sup>5</sup> Most significantly, the May 1, 2026 rescission finds that the 2024 “Final Determination” relied on outdated, inaccurate and inapplicable cost-benefit information which substantially understated the cost of adopting the 2021 IECC-based standards.<sup>6</sup>

---

<sup>3</sup> See, Minutes, MHCC Meeting, October 18-20,2022, November 15-17, 2022.

<sup>4</sup> See, 91 Federal Register, No. 84 (May 1, 2026) “Rescission of Final Determination: Adoption of Energy Efficiency Standards for New Construction of HUD- and ASDA-Financed Housing” at pp. 23450-23452.

<sup>5</sup> Id. at p. 23451, Citing Presidential Memorandum “Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis.”

<sup>6</sup> Id. at p. 23451, col. 3 - p. 23452, col. 1.

As MHARR has repeatedly demonstrated,<sup>7</sup> the proceedings which led to the May 31, 2022 DOE Final Rule for manufactured housing – and the parallel data inputs to HUD<sup>8</sup> – are all similarly flawed and fatally deficient in that they substantially understate the costs of those standards, while simultaneously over-stating their alleged benefits based, among other things, on the Obama-era Social Cost of Carbon (SCC) metric that has itself been repudiated and withdrawn by the Trump Administration.<sup>9</sup> Further, the adoption/implementation of any such energy standards for manufactured homes – like the standards targeted by the May 1, 2026 rescission -- would have a broadly negative effect on the availability of affordable housing for all Americans in the midst of a national affordable housing crisis, while simultaneously having a disproportionately negative impact on the availability and utilization of manufactured homes which primarily serve a customer population of lower and moderate-income Americans with highly limited housing price flexibility.

Accordingly, for the same reasons and rationale adduced in the May 1, 2026 rescission, the May 31, 2022 DOE manufactured housing energy standards rule (including the December 26, 2023 proposed DOE manufactured housing energy standards enforcement rule) and any pending energy-related administrative proceeding at HUD pertaining to manufactured housing regulation, must also be withdrawn, revoked and repudiated pursuant to both the aforesaid January 20, 2025 Presidential Memorandum and Executive Order 14394. Stated otherwise, there is no valid, legitimate or defensible basis for rescinding the April 26, 2024 “Final Determination,” but not rescinding the May 31, 2022 manufactured housing energy standards rule.

Based on the foregoing, MHARR urges you to take this crucial step without delay, so that the affordable, mainstream manufactured housing market – with production and sales that have declined 8.9% from the same time in 2025 according to HUD data -- can begin to recover and expand as soon as possible, with parallel benefits for the entire housing market in accordance with President Trump’s policies.

Sincerely,



Mark Weiss  
President and CEO

- cc: Hon. Donald J. Trump
- Hon. Susan Wiles
- Hon. Russell Vought
- Hon. Kelly Loeffler
- Mr. Lou Hrkman
- HUD Code Manufactured Housing Industry Members and Consumers

---

<sup>7</sup> See, e.g., MHARR comments filed in DOE Docket No. (EERE-2009-BT-BC-0021/RIN 1904-AC11) dated October 25, 2021 and November 22, 2021.

<sup>8</sup> See, e.g., MHARR comments to the MHCC, dated September 15, 2021, October 1, 2021 and October 13, 2021.

<sup>9</sup> See, e.g., MHARR Comments filed November 24, 2025 and Supplemental Comments filed December 1, 2025.



# Manufactured Housing Association for Regulatory Reform

1331 Pennsylvania Avenue, NW • Suite 512 • Washington, DC 20004 • 202-783-4087 • Fax 202-783-4075 • mharrdg@aol.com

March 25, 2026

VIA FEDERAL EXPRESS

Hon. Chris Wright  
Secretary  
U.S. Department of Energy  
1000 Independence Avenue, S.W.  
Washington, D.C. 20585

Re: Manufactured Housing Energy Conservation Standards  
DOE Docket No. EERE-2009-BT-BC-0021

Dear Secretary Wright:

The following supplemental comments are submitted on behalf of the Manufactured Housing Association for Regulatory Reform (MHARR). MHARR is a Washington, D.C.-based national trade association representing the views and interests of producers of manufactured housing regulated by the U.S. Department of Housing and Urban Development (HUD) pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401, et seq.) as amended by the Manufactured Housing Improvement Act of 2000 and subject to potential energy-related regulation by the U.S. Department of Energy (DOE) pursuant to section 413 of the Energy Independence and Security Act of 2007 (EISA) (42 U.S.C. 17071). MHARR previously submitted multiple written comments in this docket, including comments on DOE's September 3, 2025 Request for Information (RFI) dated November 24, 2025 and December 1, 2025. MHARR submits the additional comments herein based on a significant new development concerning this rulemaking, which should be expressly addressed by DOE in the official administrative record of this matter.

Specifically, on March 13, 2026, President Trump issued Executive Order 14394 (EO), titled "Removing Regulatory Barriers to Affordable Home Construction."<sup>1</sup> Designed to address the unprecedented national shortage of affordable housing and homeownership, Section 1 of that Executive Order states, in relevant part:

"Layers of unnecessary regulatory barriers ... and onerous mandates at all levels of government have delayed construction, restricted development and driven up the costs of new housing. These constraints have made housing less affordable for

---

<sup>1</sup> See, 91 Federal Register, No.52 (March 18, 2026) "Removing Regulatory Barriers to Affordable Home Construction" at p. 13207, et seq..

many Americans. It is the policy of my Administration to reduce regulatory barriers to building homes....”  
(Emphasis added).

Among the particularly destructive federal regulatory burdens specifically identified and addressed by the EO, are the impending, draconian and unnecessarily costly Biden-era DOE “energy conservation” standards for manufactured homes.<sup>2</sup> In relevant part, Section 2 (c) of EO 14394 states:

“[T]he Secretary of Housing and Urban Development [and] the Secretary of Energy shall, within their respective authorities, take appropriate action to reform and, where appropriate, eliminate unduly burdensome or costly energy-efficiency ... requirements regarding housing, including manufactured housing, to the maximum extent practicable.... Such action shall include reviewing and revising ... (i) the Energy Conservation Program’s Energy Conservation Standards for Manufactured Housing.”

(Emphasis added).

In its prior comments filed in this docket (and consistently since the inception of this matter), MHARR has demonstrated, with specific documented evidence, that the May 31, 2022 DOE manufactured housing energy conservation standards, currently in abeyance,<sup>3</sup> are not designed – or appropriate for – affordable HUD Code manufactured housing,<sup>4</sup> are not needed insofar as energy costs for HUD Code manufactured homes are already lower than those for other types of single-family homes,<sup>5</sup> would result in excessive and unnecessary purchase price increases which would exclude millions of Americans (primarily lower and moderate-income families, newlywed persons and senior citizens) from all the benefits of homeownership,<sup>6</sup> are not and would not be cost-beneficial for purchasers,<sup>7</sup> are based, in substantial part, on cost-benefit metrics derived from or impacted by the federal “Social Cost of Carbon” metric which has since been withdrawn and repudiated by the Trump Administration,<sup>8</sup> are arbitrary and capricious in violation of the federal Administrative Procedure Act (APA) (5 U.S.C. 706),<sup>9</sup> and are otherwise not in accordance with law.

---

<sup>2</sup> See, 87 Federal Register No. 104, (May 31, 2022) “Energy Conservation Program: Energy Conservation Standards for Manufactured Homes” at p. 32728, et seq.

<sup>3</sup> See, 90 Federal Register, No. 168, (September 3, 2025) “Public Input on Energy Conservation Standards for Manufactured Housing” at pp. 42545-42546 for a summary of DOE regulatory actions regarding the compliance date for the subject standards.

<sup>4</sup> See, e.g., MHARR October 25, 2021 Comments to DOE on “Energy Conservation Standards for Manufactured Housing” attached hereto as Attachment 1, at pp. 14-18.

<sup>5</sup> See, e.g., Attachment 1 hereto at pp. 5-7.

<sup>6</sup> See, e.g., Attachment 1 hereto at pp. 7-12.

<sup>7</sup> See, e.g., Attachment 1 at pp. 15-24.

<sup>8</sup> See, MHARR November 24, 2025 and December 1, 2025 Comments on “Request for Information – Manufactured Housing Energy Conservation Standards, attached hereto as Attachments 2 and 3 hereto.

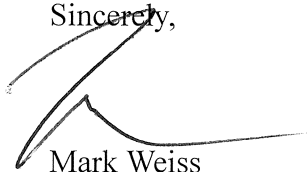
<sup>9</sup> See, e.g., Attachment 1 hereto at pp. 28-32.

Given the extreme cost impacts of the May 31, 2022 “final” DOE energy standards and the absence of any evidence in the administrative record showing a legitimate need for such extreme, high-cost “standards” within the context of an unprecedented national shortage and shortfall of affordable single-family homes, the May 31, 2022 Biden-era DOE manufactured housing “energy conservation standards, in accordance with EO 14394, should be “eliminated” through the formal withdrawal and repudiation of those standards by DOE, as previously sought by MHARR in written comments filed in the administrative docket herein. Simultaneously, and again in accordance with EO 14394, pending manufactured housing energy standards at HUD must also be withdrawn from consideration and repudiated by that agency, insofar as they represent a needless, discriminatory and unduly burdensome regulatory and cost burden on both the manufactured housing industry and American consumers of affordable manufactured housing.

In summary, the May 31, 2022 DOE standards developed by DOE and rushed into “final” status without proper adherence to APA requirements and without full and proper DOE “consultation” with HUD, as required by the underlying authorizing statute, in order to meet artificial time deadlines resulting from litigation filed by climate activist and extremist groups should be withdrawn and rejected in accordance with EO 14394. Simultaneously, and for the same fundamental reasons, DOE’s proposed Biden-era manufactured housing energy conservation standards enforcement rule, published on December 26, 2023,<sup>10</sup> -- and all corresponding manufactured housing energy conservation regulation proposals at HUD -- must also be withdrawn and rejected.

In accordance with the foregoing, we will contact your office soon to schedule a meeting to more fully address this matter. Thank you in advance for your consideration.

Sincerely,



Mark Weiss  
President and CEO

cc: Hon. Donald J. Trump  
Hon. Scott Turner  
Hon. Russell Vought  
Hon. Kelly Loeffler  
Mr. Lou Hrkman (DOE)  
HUD Code Manufactured Housing Industry Members and Consumers

Attachments

---

<sup>10</sup> See, 88 Federal Register, No. 246 (December 26, 2023) “Energy Conservation Standards for Manufactured Housing: Enforcement” at p. 88844, et seq.

**DEPARTMENT OF HOMELAND SECURITY**

**Transportation Security Administration**

**Extension of Agency Information Collection Activity Under OMB Review: TSA Reimbursable Screening Services Program (RSSP) Pilot Request**

**AGENCY:** Transportation Security Administration, DHS.

**ACTION:** 30-Day notice.

**SUMMARY:** This notice announces that the Transportation Security Administration (TSA) has forwarded the Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652-0073, abstracted below, to OMB for review and approval for an extension of the currently approved collection under the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. The collection involves public and private entities requesting participation in TSA's Reimbursable Screening Services Program (RSSP), to obtain TSA security screening services outside of an existing primary passenger airport terminal screening area.

**DATES:** Send your comments by June 1, 2026. A comment to OMB is most effective if OMB receives it within 30 days of publication.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under Review—Open for Public Comments" and by using the find function.

**FOR FURTHER INFORMATION CONTACT:** Christina A. Walsh, TSA PRA Officer, Information Technology, TSA-11, Transportation Security Administration, 6595 Springfield Center Drive, Springfield, VA 20598-6011; telephone (571) 227-2062; email [TSAPRA@tsa.dhs.gov](mailto:TSAPRA@tsa.dhs.gov).

**SUPPLEMENTARY INFORMATION:** TSA published a *Federal Register* notice, with a 60-day comment period soliciting comments, of the following collection of information on August 1, 2025, 90 FR 36168. TSA did not receive any comments on the notice.

**Comments Invited**

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information

unless it displays a valid OMB control number. The ICR documentation will be available at <https://www.reginfo.gov> upon its submission to OMB. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

- (1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- (2) Evaluate the accuracy of the agency's estimate of the burden;
- (3) Enhance the quality, utility, and clarity of the information to be collected; and
- (4) Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

**Information Collection Requirement**

*Title:* TSA Reimbursable Screening Services Program (RSSP) Pilot Request.

*Type of Request:* Extension of a currently approved collection.

*OMB Control Number:* 1652-0073.

*Form(s):* NA.

*Affected Public:* Public or private entities regulated by TSA.

*Abstract:* The RSSP is authorized by section 225, Division A, of the Consolidated Appropriations Act, 2019, as amended to extend RSSP through 2026.<sup>1</sup> Under this provision, TSA may establish a pilot for public or private entities regulated by TSA to request reimbursable screening services outside of an existing primary passenger terminal screening area where screening services are currently provided or eligible to be provided under TSA's annually appropriated passenger screening program. For purposes of section 225, "screening services" means "the screening of passengers, flight crews, and their carry-on baggage and personal articles, and may include checked baggage screening if that type of screening is performed at an offsite location that is not part of a passenger terminal of a commercial airport." TSA is collecting this information to enable public and private entities regulated by

<sup>1</sup> Public Law 116-6 (133 Stat. 13, 26; Feb. 15, 2019), as amended by the Consolidated Appropriations Act, 2021, Section 223, Division F, Public Law 116-260 (134 Stat. 1182, 1459; Dec. 27, 2020), as amended by the Consolidated Appropriations Act, 2023, Section 222, Division F, Public Law 117-328 (136 Stat. 4459; 4737, Dec. 29, 2022), and as amended by the Consolidated Appropriations Act, 2026, Section 5005, Division I, Public Law 119-75 (140 Stat. 173, 630; Feb. 3, 2026)

TSA to request screening services under the RSSP.

*Estimated Annual Number of Respondents:* 15.

*Estimated Annual Number of Burden Hours:* 492.

Dated: April 29, 2026.

**Christina A. Walsh,**

*Paperwork Reduction Act Officer, Information Technology, Transportation Security Administration.*

[FR Doc. 2026-08532 Filed 4-30-26; 8:45 am]

**BILLING CODE 9110-05-P**

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**DEPARTMENT OF AGRICULTURE**

[Docket No. FR-6271-N-08]

**Rescission of Final Determination: Adoption of Energy Efficiency Standards for New Construction of HUD- and USDA Financed Housing**

**AGENCY:** Department of Housing and Urban Development (HUD) and Department of Agriculture (USDA).

**ACTION:** Notice of rescission.

**SUMMARY:** This document announces the immediate rescission of the "Final Determination: Adoption of Energy Efficiency for New Construction of HUD- and USDA Financed Housing" (Final Determination), published on April 26, 2024, as well as subsequent notices by HUD and USDA (the Agencies) related to extensions of effective dates for the standards rescinded by this notice.

**DATES:** This rescission is effective May 1, 2026.

**FOR FURTHER INFORMATION CONTACT:**

*HUD:* Brian Schlosnagle, Office of Environment and Energy, Department of Housing and Urban Development, 451 7th Street SW, Room 10180, Washington, DC 20410; telephone number 202-402-4366 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit: <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

*USDA:* Robert Bogan, Administrative Management Specialist, Program Support Services, Rural Housing Service; Department of Agriculture, 1400 Independence Avenue SW, Room 6900-S, Washington, DC 20250; telephone number 202-557-1000 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:****I. Statutory Background**

Section 481 of the Energy Independence and Security Act of 2007 (“EISA,” Pub. L. 110–140) amended section 109 of the Cranston-Gonzalez National Affordable Housing Act of 1990 (Cranston-Gonzalez) (42 U.S.C. 12709), which establishes procedures for setting minimum energy standards for certain categories of newly constructed housing financed by HUD and USDA.<sup>1</sup>

EISA references two standards: the International Energy Conservation Code (IECC) and American National Standards Institute/American Society of Heating, Refrigerating, and Air-Conditioning Engineers/Illuminating Electrical Society Standard 90.1 (ASHRAE 90.1). The IECC standard applies to single family homes and multifamily low-rise buildings (up to 3 stories), while the ASHRAE 90.1 standard applies to multifamily residential buildings with 4 or more stories.

The IECC and ASHRAE 90.1 are industry-based consensus codes that are typically updated on three-year cycles. Following each update, HUD and USDA are required to adopt the new versions of the IECC and ASHRAE 90.1 within one year. If the one-year deadline is not met, the agencies may adopt updated versions only if they make a determination “that the revised codes do not negatively affect the availability or affordability” of the covered housing and the Secretary of Energy has determined “that the revised code or standard would improve energy efficiency.”

**II. Procedural History****A. Development of the Determinations**

On May 18, 2023, HUD and USDA published a Preliminary Determination (88 FR 31773) that the 2021 IECC and ASHRAE 90.1–2019 would not negatively affect the affordability or availability of EISA-covered housing.

<sup>1</sup> The programs covered by EISA are as follows: Public Housing Capital Fund; Capital Fund Financing Program; HOPE VI; Choice Neighborhoods Implementation Grants; Project-Based Voucher Program; Section 202 Supportive Housing for the Elderly; Section 811 Supportive Housing for Persons with Disabilities; Rental Assistance Demonstration; FHA Single Family Mortgage Insurance Programs; FHA Multifamily Mortgage Insurance Programs; USDA Section 502 Guaranteed Housing Loans; USDA Section 502 Rural Direct Housing Loans; and USDA Section 523 Mutual Self Help Technical Assistance Grants, homeowner participants. *Note:* For HUD, EISA also applies to new construction projects in the HOME Investment Partnerships Program (HOME) and the Housing Trust Fund program through their program statutes or regulations.

After receiving feedback during the public comment period, the agencies published the Final Determination on April 26, 2024, (89 FR 33112) with an updated economic analysis and found that adoption of the standards would not negatively impact the affordability or availability of EISA-covered housing.

The Final Determination made changes to the Preliminary Determination based on public comments.<sup>2</sup> Notwithstanding the adjustments made in the Final Determination, HUD and USDA published a request for additional comments on the new standards on July 7, 2025 (90 FR 29882).<sup>3</sup> The agencies informed the public of their intent to “review the analysis contained in the Final Determination”<sup>4</sup> and that “HUD and USDA would like to better understand how the adoption of the updated codes is working in practice.”<sup>5</sup>

**B. Litigation**

On January 2, 2025, a coalition of fifteen States and the National Association of Home Builders filed a lawsuit in federal court against HUD and USDA alleging, among other things, that the 2024 Final Determination violates the Administrative Procedure Act, 5 U.S.C. 706, and should therefore be set aside.<sup>6</sup> During the pendency of the litigation the Agencies filed a motion to dismiss and both parties filed cross-motions for summary judgment. On March 5, 2026, the Court denied the Agencies’ motion to dismiss and granted in part the Plaintiffs’ motion for summary judgment, setting aside and vacating the 2024 Final Determination.

**III. Discussion**

On the first day of the new administration, the President highlighted the need to control the cost of living for ordinary Americans. See *Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis* (Presidential Memorandum) (January 20, 2025).<sup>7</sup> Included in the memorandum was a mandate to the heads of all executive departments and agencies to pursue

<sup>2</sup> The changes based on public comments are outlined in Section I. F. of the Final Determination. See 89 FR 33120–33121.

<sup>3</sup> Both before and after the July 7, 2025, request for additional comments HUD and USDA published extensions of the effective dates for complying with the new standards. See 90 FR 11622 (March 10, 2025); 90 FR 14775 (April 4, 2025); and 90 FR 50750 (November 10, 2025).

<sup>4</sup> 90 FR at 29882.

<sup>5</sup> *Id.* at 29885.

<sup>6</sup> *State of Utah, et al. v. Secretary, US Department of Housing and Urban Development, et al.* (E.D. Texas).

<sup>7</sup> Published at 90 FR 8245 (January 28, 2025).

“appropriate actions to lower the cost of housing and expand housing supply.”<sup>8</sup> Empirical data as well as anecdotal evidence show that the implementation of the Final Determination is antithetical to this purpose.

Myriad factors beyond code-based energy requirements, including labor costs and material costs, combine to exert upward pressure on the cost of both single- and multifamily housing construction. For instance, according to the Bureau of Labor Statistics Producer Price Index for Single Family Residential Construction, a spike in the cost of building materials occurred between January 2020 and January 2022. While cost growth has slowed, it has not fallen with the result that building material costs have seen a 43% increase between January 2020 and November 2025.<sup>9</sup> Additionally, contractors’ bid amount for construction of homes (what builders are charging to build a home excluding land) has increased 42% between 2019 and 2024.<sup>10</sup> Supply chain issues, while ameliorating, persist and also add to the total cost of home construction. These realities are exacerbated by the requirements imposed by the Final Determination.

As a threshold matter, the agencies consider it noteworthy that the econometrics relied upon in the Preliminary Determination are from 2020 and 2021, making them up to six years old. Even given the fact that the Final Determination included updated measures (see fn.2), the most recent of those numbers are from 2023.<sup>11</sup> The updated measures for construction cost increase uses data going back as far as 2020; similarly, the energy cost increase adjustment uses data going back as far as 2022.

Another factor at play in the complex mix of variables that affect potential homebuyers is mortgage rates, which have begun to show signs of improving in late 2025. Nonetheless, they currently stand at an average of 6.2% for conventional 30-year financing—nearly a full point above the 5.3% assumption of the Final Determination.

While not tied directly to the issue of code-based energy standards, another

<sup>8</sup> *Id.*

<sup>9</sup> Federal Reserve Bank of St. Louis, *Producer Price Index by Commodity: Inputs to Industries: Net Inputs to Single Family Residential Construction, Goods Less Foods and Energy* (WPUIP23111013), November 2025 (updated January 14, 2026), available at <https://fred.stlouisfed.org/series/WPUIP23111013>.

<sup>10</sup> HUD/Census Survey of Construction, *Characteristics of New Housing*, available at <https://www.census.gov/construction/chars/index.html>.

<sup>11</sup> *Construction Cost Increase*—data from 2020–2023; *Energy Price Increase*—data from 2022; *Energy Price Escalator*—data from 2023.

factor pushing the price of new home construction upward is the cost of land. A recent report from leading real estate research and consulting firm John Burns Research and Consulting (JBREC) indicates that in 4Q 2025 lot price appreciation continues to outpace falling new home prices (net of incentives).<sup>12</sup> And while YOY average price appreciation for *undeveloped land* in suburban areas nationally decreased in 4Q25 to very slightly negative, brokers reported +5% YOY average price appreciation for *undeveloped land* in closer in submarkets.<sup>13</sup> Additionally, hitherto unconsidered uses of land contribute to whittle away land that might otherwise be used for residential construction. According to JBREC, 38% of brokers nationally report a somewhat to significant increase in residential land sales for data center construction in 2025.<sup>14</sup>

This additional factor placing upward pressure on construction costs is yet another reason not to impose expensive new regulations—in the form of building code-based energy standards—at a time when ordinary Americans are struggling to achieve the dream of homeownership.

Finally, the agencies note that the Final Determination overstated the availability of the § 45L New Energy Tax Credit as a vehicle for builders to offset some of the costs of complying with the new energy standards, stating “there are now significant new resources available through the Inflation Reduction Act (IRA) which provide unprecedented financial support for building energy efficient housing.”<sup>15</sup> However, as the agencies went on to acknowledge, the § 45L tax credit is not a direct subsidy for building to the 2021 IECC; rather, the credit is available to eligible contractors who construct or sell new homes that meet specific energy efficiency standards set by the ENERGY STAR program or the Department of Energy’s Efficient New Homes program. The credit amount varies based on the energy savings achieved and prevailing wage rates for construction. Even assuming for the sake of argument that the § 45L credit could have been used in a manner to lower construction costs—and presumably by extension to lower costs for potential homebuyers—that utility has dramatically decreased by the reality that the One Big Beautiful Bill Act, *Public Law 119–21*, accelerates the sunset for federal energy tax

incentives—with the § 45L tax credit specifically set to expire for homes acquired after June 30, 2026.

#### *Rescission*

In light of the foregoing realities, the Final Determination flies in the face of the Administration’s express policy of increasing the supply of housing and making housing more affordable. The net effect of these realities is that affordability of housing in the Departments’ respective covered housing programs would be negatively affected by implementation of the Final Determination (42 U.S.C. 12709(d)(1)). In addition, as noted above, the Final Determination has been judicially vacated and thus is no longer in force. As such, effective immediately, the Department of Housing and Urban Development and the Department of Agriculture rescind the Final Determination of April 26, 2024, in its entirety. The Departments also rescind the subsequent notices of March 10, 2025, April 4, 2025, and November 10, 2025, related to extensions of effective dates for the standards rescinded by this notice. Each of the Departments’ respective covered programs shall comply with the energy efficiency standards that were in effect immediately prior to the publication of the Final Determination.

**Scott Turner,**

*Secretary, U.S. Department of Housing and Urban Development.*

**Brooke L. Rollins,**

*Secretary, U.S. Department of Agriculture.*

[FR Doc. 2026–08531 Filed 4–30–26; 8:45 am]

BILLING CODE 4210–67–P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[A2407–014–004–065516, #O2509–014–004–125222; LLUTG02000]

#### Notice of Realty Action: Direct Sale of Public Land in Emery County, Utah

**AGENCY:** Bureau of Land Management.

**ACTION:** Notice of realty action.

**SUMMARY:** The Bureau of Land Management (BLM) proposes a direct sale of a 157.31-acre parcel of public land in Emery County, Utah, to Ferron City (City). This parcel is currently leased to the City under the Recreation and Public Purposes Act (RPPA), and it contains a municipal golf course constructed and operated by the City pursuant to an authorized Plan of Development. The purpose of the sale would be to enable future golf course

management that is not limited by the requirements of the RPPA. The parcel would be offered for sale pursuant to the John D. Dingell Jr., Conservation, Management, and Recreation Act. The sale would be subject to the applicable provisions of the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, and the BLM land sale regulations. The surface estate would be sold for no less than the appraised fair market value of \$173,000, and it would not contain a reversionary clause.

**DATES:** Interested parties must submit written comments, postmarked, or delivered no later than June 15, 2026. The land will not be offered for sale until after June 30, 2026.

**ADDRESSES:** Mail written comments to the BLM Price Field Office, Field Manager, 125 South 600 West, Price, UT 84501. Comments may also be emailed to [utprmail@blm.gov](mailto:utprmail@blm.gov) with Millsite Land Sale in the subject line or hand delivered to the BLM office during business hours, 8:00 a.m.–4:30 p.m. Mountain Time, Monday through Friday, except during Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Kyle Beagley, Assistant Field Manager, BLM Price Field Office, phone: 435–636–3608, or email: [kbeagley@blm.gov](mailto:kbeagley@blm.gov). Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

**SUPPLEMENTARY INFORMATION:** On June 4, 2009, a **Federal Register** notice (74 FR 26887) classified the lands for lease under the RPPA and segregated the described land from all forms of appropriation under the public land laws, including the mining laws, except applications under the RPPA and leasing under the Mineral Leasing Act subject to no surface occupancy.

The BLM Price Field Office originally issued the City an RPPA lease for the 9-hole Millsite Golf Course in 1985. In 2009, the BLM amended the lease for an additional 9-hole expansion. The golf course has since been developed in accordance with the approved Plan of Development and currently operates as an 18-hole municipal course. In January 2020, the City requested to purchase the land associated with their golf course lease without a reversionary clause so it is not limited in future golf course management by the requirements of the RPPA. For example, the City has shown potential interest in co-managing the

<sup>12</sup> John Burns Research and Consulting, 4Q25 Residential Land Survey, January 22, 2026 (p.24).

<sup>13</sup> *Id.* at p.8.

<sup>14</sup> *Id.* at p.49.

<sup>15</sup> 89 FR 33123.