



Per Patrice Onwuka via Congressional testimony <https://oversight.house.gov/wp-content/uploads/2026/01/Onwuka-Written-Testimony.pdf> said this: "The federal government cannot preempt state and local laws that govern zoning regulations and permitting processes. It can eliminate costly federal regulations, including green energy mandates imposed over the past few years, and incentivize states and local governments to enact needed reforms under their jurisdictions." But doesn't she miss the fact that Congress has already preempted local zoning via the Manufactured Housing Improvement Act of 2000? <https://manufacturedhousingassociationregulatoryreform.org/wp-content/uploads/2019/04/CARSON-ZONING-LETTER-ATTACHMENT.pdf> and <https://manufacturedhousingassociationregulatoryreform.org/wp-content/uploads/2025/03/House-Democrats-Financial-Services-Committee-Nov-2003-HUD-Secretary-Mel-Martinez-Manufactured-Housing-Improvement-Act-Enhanced-Preemption-Intent-Fax.pdf>

### **Per Google AI mode in Chrome.**

Patrice Onwuka's January 2026 [Congressional testimony](#) focuses on the general constitutional and practical limits of federal power over state and local land-use laws. While she asserts the federal government cannot broadly "preempt" local zoning, her testimony does not specifically address the **Manufactured Housing Improvement Act (MHIA) of 2000**, which serves as a unique and specific statutory exception to that general rule. [1, 2, 3]

The conflict between her statement and the MHIA of 2000 centers on the concept of "enhanced preemption":

- **The Enhanced Preemption Authority:** The MHIA of 2000 amended federal law to state that preemption should be "broadly and liberally construed" to ensure local requirements do not interfere with federal superintendence of the industry.
- **Congressional Intent on Zoning:** As noted in the [November 13, 2003, letter to HUD Secretary Mel Martinez](#), key congressional proponents explicitly stated that these changes gave HUD the legal authority to preempt local "requirements or restrictions" that discriminate against the siting of manufactured homes solely because they are built to the HUD Code rather than local building codes.

- **Practical Enforcement Gap:** Despite this statutory authority, organizations like the [Manufactured Housing Association for Regulatory Reform \(MHARR\)](#) argue that HUD has failed to robustly enforce this "enhanced preemption," allowing many local jurisdictions to continue using zoning to exclude manufactured housing.
- **Onwuka's General vs. Specific Focus:** Onwuka's testimony addresses the *broad* landscape of residential zoning (like setbacks or density for site-built homes), where the federal government typically lacks direct preemptive power. The MHIA is a *sector-specific* federal law that creates a narrow but significant preemptive bridge into local zoning for one specific type of housing. [1, 2, 3, 4, 5, 6, 7, 8, 9]

In summary, while Onwuka is correct about the general lack of federal preemption over most local zoning, the **MHIA of 2000** represents a specific legal tool that Congress already enacted to override local zoning when it is used to discriminatorily exclude manufactured homes. [1, 2]

Would you like to explore recent **judicial rulings** or **HUD policy statements** that have tested the limits of this "enhanced preemption" in specific states?

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11 sites

- Onwuka-Written-Testimony.pdf - House Oversight Committee  
Jan 22, 2026 -- Housing unaffordability is driven by a housing shortage. The solution.
- House.gov
- Housing Affordability Under Fire as Patrice Onwuka Testifies ...  
Jan 22, 2026 -- She is also poised to address the specific ways that housing...
- Independent Women's Forum
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