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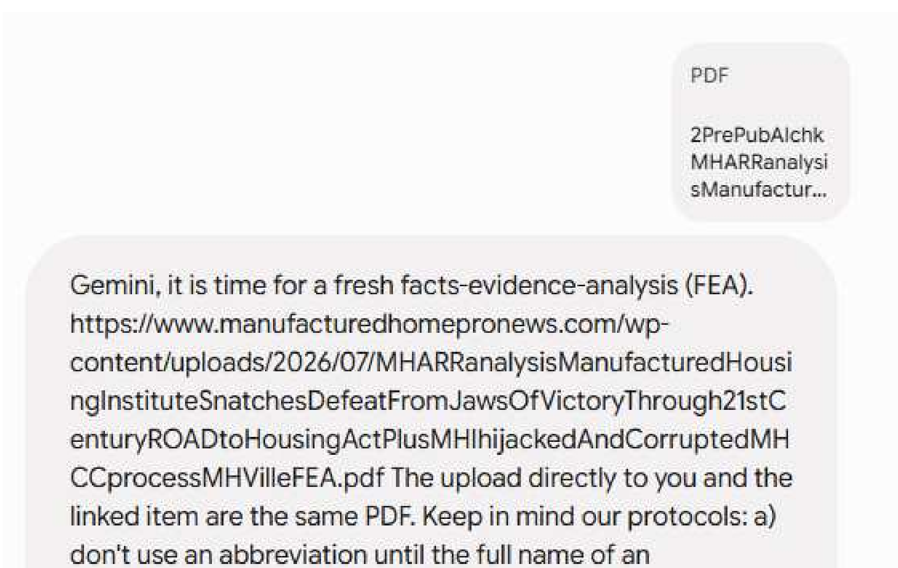

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Executive Summary

This Facts-Evidence-Analysis (FEA) examines the July 23, 2026 virtual meeting of the Manufactured Housing Consensus Committee (MHCC), the legislative passage of the 21st Century Renewal Opportunity and Development to Housing Act (21st Century ROAD to Housing Act) on July 11, 2026, and the overarching legal and regulatory dynamics surrounding energy conservation standards for federally regulated manufactured housing.

The primary dispute centers on the Manufactured Housing Institute (MHI) pushing the Manufactured Housing Consensus Committee (MHCC) to adopt and forward 2022 energy recommendations to the United States Department of Housing and Urban Development (HUD) without an updated, evidence-based cost-benefit analysis. The Manufactured Housing Association for Regulatory Reform (MHARR) strongly opposed this bootstrapping action, arguing that:

1. The 2022 standards were drafted under the threat of United States Department of Energy (DOE) enforcement.
2. Advancing these standards violates the statutory cost-impact mandate under the Manufactured Housing Improvement Act of 2000 (MHIA).
3. The process contradicts Executive Order 14394 ("Removing Regulatory Barriers to Affordable Home Construction"), issued by President Donald J. Trump in March 2026.

Furthermore, an examination of the 2026 HUD-MHCC roster reveals significant structural bias and institutional ties to major corporate consolidators, including Berkshire Hathaway (parent company of Clayton Homes), Cavco Industries, Inc. (CVCO), and Champion Homes (SKY) [formerly known as Skyline Champion (SKY) prior to August 2024]. This structural composition supports claims of regulatory capture, raising serious administrative law and procedural challenges under the Federal Advisory Committee Act (FACA) and the Administrative Procedure Act (APA).

Facts, Evidence, and Analysis

1. Statutory Context, Legislative Realities, and Executive Directives

The legislative landscape surrounding manufactured housing energy standards involves three distinct federal mandates and executive actions:

- **Manufactured Housing Improvement Act of 2000 (42 U.S.C. § 5401 et seq.):** Establishes the Manufactured Housing Consensus Committee (MHCC) as an independent federal advisory body tasked with recommending standards to the United States Department of Housing and Urban Development (HUD). Crucially, the law requires both HUD and the MHCC to evaluate the cost impact of any proposed standard to protect consumer affordability.
- **21st Century ROAD to Housing Act (Enacted July 11, 2026):** Provides that energy standards promulgated by agencies other than HUD (such as the United States Department of Energy) have no legal effect unless adopted by HUD. However, it mandates that HUD adopt minimum energy efficiency standards for manufactured homes within one year of enactment and update them every three years thereafter.
- **Executive Order 14394 (March 2026):** Directs federal agencies to eliminate or reform unduly burdensome or costly energy-efficiency requirements targeting affordable home construction, explicitly highlighting the United States Department of Energy (DOE) Manufactured Housing Energy Conservation Standards.

The tension between the statutory requirement of the 21st Century ROAD to Housing Act and Executive Order 14394 forms the backdrop of the July 23, 2026 MHCC meeting.

Table 1: Statutory & Regulatory Framework Analysis

Statute / Directive	Key Provisions & Mandates	Impact on Manufactured Housing	Structural Implications
Manufactured Housing Improvement Act of 2000	Mandates cost-impact analysis by both HUD and MHCC prior to standard adoption.	Protects baseline affordability for home buyers.	Legal guardrail against unvetted regulatory costs.
21st Century ROAD to Housing Act	Shields industry from direct DOE enforcement but mandates HUD adopt energy rules within 1 year.	Shifts regulatory venue to HUD; creates recurring 3-year mandate.	Supported by MHI; criticized by MHARR as "snatching defeat from victory".

Statute / Directive	Key Provisions & Mandates	Impact on Manufactured Housing	Structural Implications
Executive Order 14394	Directs HUD and DOE to reform or eliminate costly energy regulations.	Aims to lower home acquisition costs and remove barriers.	In direct conflict with MHCC rubber-stamping 2022 standards.

2. Industry Dynamics and Corporate Alignment

A central claim in analytical journalism within the sector—supported by data from the National Association of Manufacturers (NAM) and the United States Small Business Administration (SBA)—is that heavy regulatory burdens disproportionately harm small independent builders while benefiting large corporate consolidators.

The National Association of Manufacturers (NAM) regulatory cost data demonstrates that small manufacturers with under 50 employees face an annual regulatory cost of **$50,100 per employee**, compared to **$24,800 per employee** for large manufacturers (100+ employees). This disparity creates a natural competitive advantage for large conglomerates.

In the manufactured housing industry, three dominant manufacturers control a majority of market share:

1. **Clayton Homes** (a subsidiary of Berkshire Hathaway)
2. **Cavco Industries, Inc. (CVCO)**
3. **Champion Homes (SKY)** [note: named Skyline Champion (SKY) prior to August 2024]

Table 2: Comparative Analysis of Trade Association Positions

Feature / Topic	Manufactured Housing Association for Regulatory Reform (MHARR)	Manufactured Housing Institute (MHI)
Target Constituency	Independent HUD Code manufacturers and small businesses.	Large corporate producers, community owners, REITs, and lenders.

Feature / Topic	Manufactured Housing Association for Regulatory Reform (MHARR)	Manufactured Housing Institute (MHI)
Position on Energy Standards	Total repeal/shelving of new energy standards without fresh cost-benefit analysis.	Supported 2022 standards and ROAD Act mandates.
Cost-Impact Analysis	Demands ground-up cost analysis matching present-day economic conditions.	Advocated advancing 2022 recommendations without updated economic modeling.
MHCC Process View	Criticizes MHCC as debased, manipulated, and reduced to a rubber-stamp body.	Leverages MHI-aligned roster members to pass recommendations.

3. Roster Interlocking Networks & Potential Regulatory Capture

An evaluation of the 2026 HUD-MHCC Roster illustrates interconnected interests across user, public, and general interest categories:

- **Grant Beck (User Category):** Represents Next Step Network, an organization historically funded by Clayton Homes.
- **Steve Ervin (General Interest Category):** Represents Berkadia Commercial Mortgage, a joint venture between Berkshire Hathaway and Jefferies Financial Group.
- **Sean Roberts (Producer Category):** COO/CFO at Orchard Technologies, former investor at TPG Capital (which has historic ties to MHI figures), and former investment banker at Goldman Sachs (where Berkshire Hathaway has held multi-billion dollar investments).
- **David Kruczek (Self/User Category):** Identified as Regional Vice President for the National Manufactured Home Owners Association (NMHOA) with a history in activist campaigns and Fortune 500 corporate IT.
- **State Regulators / Officers:** Leadership includes Chair Tara Brunetti (Arizona Department of Housing, where Cavco Industries, Inc. is based) and Vice Chair Jim Hightower (Tennessee Department of Commerce and Insurance, where Clayton Homes is headquartered).

Table 3: HUD-MHCC Roster Ties & Corporate Alignment Analysis

Roster Member	Official Capacity / Category	Institutional / Corporate Affiliations	Analytical Significance
Grant Beck	User / Public (U)	Next Step Network (supported by Clayton Homes / Berkshire Hathaway).	Potential conflict between public representation and donor alignment.
Steve Ervin	General Interest (G)	Berkadia Commercial Mortgage (Berkshire Hathaway joint venture).	Direct financial link to parent company of largest industry producer.
Sean Roberts	Producer (P)	Natomas Labs / Villa; former TPG Capital and Goldman Sachs.	Private equity and financial sector overlap with MHI leadership.
Tara Brunetti	Chair / General Interest (G)	Arizona Department of Housing.	Headquartered in same state as Cavco Industries, Inc. (CVCO).
Jim Hightower	Vice Chair / General Interest (G)	Tennessee Department of Commerce and Insurance.	Headquartered in same state as Clayton Homes.

4. Legal & Procedural Vulnerabilities of the MHCC July 23, 2026 Action

The process by which the MHCC approved the 2022 recommendations during the July 23, 2026 meeting exposes the decision to potential legal invalidation.

Under the Federal Advisory Committee Act (FACA) (5 U.S.C. 1009) and the Administrative Procedure Act (APA) (5 U.S.C. § 551 et seq.), advisory committee proceedings must provide fair opportunities for public participation, maintain public dockets, and operate without arbitrary exclusion of core stakeholders.

1. **Failure to Perform Statutory Cost Analysis:** The Manufactured Housing Improvement Act of 2000 explicitly mandates cost-benefit evaluation. Passing 2022 standards without assessing 2026 material, labor, and acquisition cost increases creates a procedural defect.

2. **Procedural Inequities:** While written comments from independent stakeholders submitted prior to the July 13, 2026 deadline were delayed in public posting, late comments from MHI were distributed to MHCC members for the July 23 meeting.
3. **Remedies and Administrative Invalidation:** HUD's Office of Manufactured Housing Programs (OMHP) and the Designated Federal Officer (DFO) possess the legal authority to deem the July 23, 2026 vote procedurally flawed, decline to rely on the recommendation, and convene a new, properly noticed MHCC meeting.

For further background on these regulatory proceedings and documentation, refer to the published records on the Manufactured Housing Association for Regulatory Reform website and news coverage on MHProNews.

Conclusion

The July 23, 2026 MHCC meeting represents a critical intersection of federal housing policy, corporate consolidation, and administrative law. By bootstrapping 2022 energy recommendations without conducting a present-day cost-impact assessment, the MHCC acted in tension with the explicit affordability mandates of the Manufactured Housing Improvement Act of 2000 and the cost-reduction goals of Executive Order 14394.

The interconnected ties across the 2026 HUD-MHCC roster highlight how regulatory capture can skew advisory bodies toward the interests of major market actors like Clayton Homes, Cavco Industries, Inc., and Champion Homes (SKY) at the expense of independent producers and lower-income consumers. Because advisory committee recommendations must conform to statutory standards, HUD or a reviewing federal court has clear administrative grounds to set aside the July 23, 2026 recommendations and order a fresh, transparent meeting grounded in proper evidence and current economic facts.