

# Manufactured Housing Association for Regulatory Reform Hits DOE on Manufactured Home Energy Standards 'Bait and Switch'

*Manufactured Housing Association for Regulatory Reform (MHARR) letter to DOE Secretary Jennifer Granholm provides evidence of alleged "bait and switch" tactics.*

WASHINGTON, D.C., UNITED STATES, May 9, 2022 /EINPresswire.com/ -- The Manufactured Housing Association for Regulatory Reform (MHARR) in a May 4, 2022 communication to U.S. Department of Energy (DOE) Secretary Jennifer Granholm (copy attached), has called-out DOE's duplicity in altering – after the conclusion of any opportunity for public comment – the fundamental nature and cost of its proposed energy conservation standards for manufactured homes.



Manufactured Housing Association for Regulatory Reform (MHARR) Calls Out Department of Energy (DOE) Secretary Granholm for Manufactured Home Energy Standards "Bait and Switch."

As presented for public comment, as well as comment and input from HUD's statutory Manufactured Housing Consensus Committee (MHCC) – during an administrative process that lasted more than six months – DOE characterized its "primary" manufactured housing energy conservation proposal as a "tiered" standard, with an alleged retail purchase price impact "averaging" \$750.00.

“

...de facto "bait and switch" after conclusion of public comment period for the proposed rule "wholly reprehensible and yet further evidence of DOE's ongoing bad faith and misconduct in this matter."”

*Mark Weiss, J.D., President and CEO of MHARR.*


MHARR warned at the time – in comments filed with the MHCC – that given the structure of DOE's August 26, 2021 Supplemental Notice of Proposed Rulemaking (SNPR) and DOE's track record of duplicity over the entire course of the energy standards rulemaking, this was likely a ruse designed to lull stakeholders, HUD and the MHCC into a

false sense of complacency. In part, MHARR stated that: “despite all the talk of a ‘tiered’ system, and the use of a tiered proposal to mislead and lure stakeholders, the public and the MHCC into supporting the DOE SNPR, a final rule in this matter could ultimately have no separate cost-based ‘tiers’ at all, and subject all manufactured homes to high-cost market-crushing IECC-based energy standards.” (Emphasis added).

And now, of course, DOE has done exactly what MHARR predicted in its September 15, 2021 MHCC comments. Buried in a 400+ page final DOE “Environmental Impact Statement” (EIS) filed in connection with the proposed manufactured housing energy rule, is a statement that after “consideration of public comments received on the draft EIS combined with stakeholder inputs under the rulemaking process, DOE has identified the untiered standards as the preferred alternative...” (Emphasis added). Unlike the “tiered” proposed standards, the “untiered” standards based on the 2021 International Energy Conservation Code (IECC), could result in retail purchase price increases of \$2,567.00 to \$6,149.00, by DOE’s own admission (and, based on industry input, much more than that) before inflationary impacts and the costs of testing, regulatory compliance, and enforcement – which have never been publicly estimated by DOE, HUD, or anyone else -- are even considered.

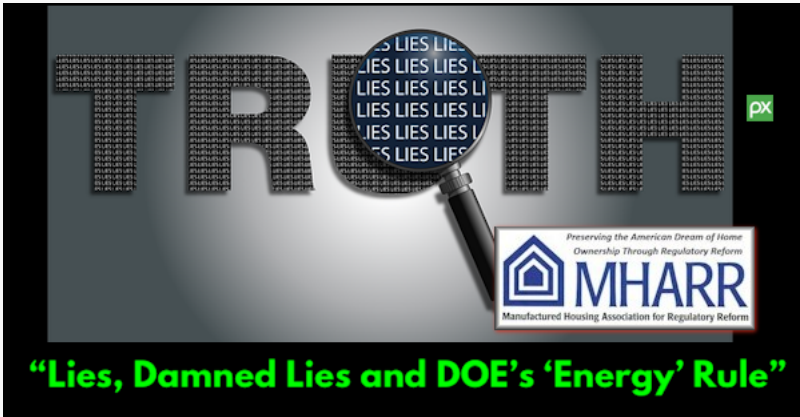
MHARR’s communication, accordingly, refers to this de facto “bait and switch” after the conclusion of the public comment period for the proposed rule, as “wholly reprehensible and yet further evidence of DOE’s ongoing bad faith and misconduct in this matter.”

MHARR will continue to aggressively oppose the deceitful and unnecessary DOE energy rule which will impose harsh and needless cost burdens on lower and moderate-income Americans and further increase homelessness and the debilitating shortage of affordable housing and homeownership, contrary to the stated policies of President Biden. This effort will include both



### States Seek to Reimpose SCC Injunction as DOE Accelerates MH Energy Standards Rule

States Seek to Reimpose Social Cost of Carbon (SCC) Injunction as DOE Accelerates Manufactured Housing Manufactured Home Energy Standards Rule 5th Circuit Manufactured Housing Association for Regulatory Reform.



### “Lies, Damned Lies and DOE’s ‘Energy’ Rule”

Lies, Damn Lies, and DOE’s Manufactured Housing Energy Rule, Manufactured Housing Association for Regulatory Reform (MHARR).

administrative steps and potential industry legal action.

The Manufactured Housing Association for Regulatory Reform is a Washington, D.C.-based national trade association representing the views and interests of independent producers of federally-regulated manufactured housing.

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[The 'attachment' referenced above](#) is the FedEx delivered letter to DOE Secretary Jennifer Granholm shown below.

May 4, 2022

VIA FEDERAL EXPRESS

Hon. Jennifer Granholm  
Secretary  
U.S. Department of Energy  
1000 Independence Avenue, S.W.  
Washington, D.C. 20585-0121

Re: Energy Conservation Program:  
Proposed Energy  
Conservation Standards for  
Manufactured Housing

Dear Secretary Granholm:

I am writing 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 federally-regulated manufactured housing. MHARR has previously submitted extensive comments to the U.S. Department of Energy (DOE) regarding DOE-proposed energy conservation standards for manufactured housing pursuant to section 413 of the Energy Independence and Security Act of 2007 (EISA) (42 U.S.C. 17071) and related Environmental Impact Statements pursuant to the National Environmental Policy Act (NEPA).□

DOE published proposed manufactured housing energy conservation standards on August 26,

**U.S. DEPARTMENT OF ENERGY** | Energy Efficiency & Renewable Energy

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

**MHI**  
Manufactured Housing Institute

**'MHI DOES NOT REPRESENT THE ENTIRE MANUFACTURED HOUSING INDUSTRY'**

**MHARR Rebukes Manufactured Housing Institute Comments in Federal Response**

Manufactured Housing Institute (MHI) does Not Represent the Entire Manufactured Housing Industry, Manufactured Housing Association for Regulatory Reform (MHARR) Rebukes Manufactured Housing Institute Comments Federal Response.

**MHARR ASSERTS NEW ARGUMENTS FOR WITHDRAWAL OF MANUFACTURED HOUSING DOE ENERGY RULE**

Environmental Impact Statement Manufactured Housing Association for Regulatory Reform DOE Energy Rule for Manufactured Homes.

2021, together with a modified proposed rule and supplementary “analysis” on October 26, 2021. Pursuant to EISA section 413, the DOE-proposed standards were contemporaneously submitted by the U.S. Department of Housing and Urban Development (HUD) to the Manufactured Housing Consensus Committee (MHCC) established by the Manufactured Housing Improvement Act of 2000 (42 U.S.C. 5403). The MHCC considered the DOE-proposed standards during a series of meetings conducted on September 23, 2021, October 8, 2021, October 20, 2021, and November 19, 2021.

Both as published for public comment and as presented to the MHCC over the entire course of its deliberations, the DOE proposed standards were based on a so-called “tiered approach” as DOE’s “primary proposal.” (Emphasis added). Under that “tiered” proposal, as described by DOE, “a subset of the energy conservation standards would be less stringent for certain manufactured homes in light of the cost-effectiveness considerations required by statute.” The retail purchase price threshold for manufactured homes subject to the less stringent “Tier 1” standards was initially set at \$55,000 (later changed to \$63,000). By contrast, DOE’s proposed rule and October 26, 2021 “Notice of Data Availability” (NODA) characterized an “untiered approach,” wherein energy conservation standards for all manufactured homes would be based “only on the 2021 [International Energy Conservation Code],” with significantly higher purchase price impacts, as only an “alternate proposal.”

Based on DOE’s designation of the “tiered approach” as its “primary proposal,” the MHCC, on November 23, 2021, submitted comments opposing the proposed rule, stating, in part: “The MHCC believes that the proposal in its current state is flawed and should not be implemented ... due to its lack of proper/accurate cost benefit analysis, consideration for manufactured home construction methods, transportation constraints and testing/enforcement criteria.”

Now, though, that the entire public notice and comment process for the proposed rule has been completed, with no further opportunity for public input, DOE has announced, in its final Environmental Impact Statement, published on April 8, 2022, that it is switching its “primary” and “alternate” proposals as originally published – and as presented for public comment – and is designating the much-higher-cost “un-tiered” criteria as its “preferred” proposal. (See, April 8, 2022 EIS at pp. 2-10 and C-6: “DOE has identified the untiered standards as [its] preferred alternative” for “establishing energy conservation [standards] for manufactured housing.”)

Based on DOE’s consistent track record of duplicity in this rulemaking, as exhaustively documented by MHARR in August 8, 2016 comments to DOE on a prior iteration of the proposed rule, MHARR anticipated exactly such a move by DOE, warning, in comments submitted to the MHCC on September 15, 2021:

“DOE, in its August 26, 2021 SNPR, attempts to paper-over these damning purchase price impacts by – at least for now -- bifurcating its proposed standard into two separate ‘tiers.’ \*\*\* Significantly, though, DOE’s August 26, 2021 SNPR includes, as an ‘alternative proposal,’ an ‘untiered’ approach, wherein energy conservation standards for all manufactured homes would

be based 'only on the 2021 IECC.' Put differently, this means that despite all the talk of a 'tiered' system, and the use of a tiered proposal to mislead and lure stakeholders, the public and the MHCC into supporting the DOE SNPR, a final rule in this matter could ultimately have no separate cost-based 'tiers' at all, and subject all manufactured homes to high-cost market-crushing IECC-based energy standards. For this reason alone, the MHCC should reject the DOE proposed rule."

(Emphasis added). And now, DOE – through a one-sentence statement buried within a 400+ page document -- has fulfilled MHARR's prediction.

This de facto "bait and switch" after the conclusion of the public comment period for the proposed rule is wholly reprehensible and yet further evidence of DOE's ongoing bad faith and misconduct in this matter. As MHARR has documented from the outset, this entire rulemaking has been corrupted by DOE deceit and manipulation, and must be terminated in its present iteration. In its place, DOE should engage in a legitimate rulemaking, in conjunction with HUD and the MHCC, which complies with all substantive and procedural requirements of applicable law. As MHARR has advised the White House Task Force on Manufactured Housing, it stands ready to participate in such a legitimate process, but will strenuously oppose any effort to implement the current corrupted proposed energy standard rule.

Very truly yours,

Mark Weiss  
President and CEO

cc: Hon. Joseph R. Biden  
Hon. Marcia Fudge  
White House Manufactured Housing Task Force Members  
Manufactured Housing Industry Producers, Retailers and Communities

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The above is found on the MHARR website at this link below.

<https://manufacturedhousingassociationregulatoryreform.org/manufactured-housing-association-for-regulatory-reform-mharr-calls-out-doe-energy-standards-bait-and-switch/>

Additional Information from MHARR on the history and background for the Manufactured Housing Energy Standards Issue

“Lies, Damned Lies and DOE’s ‘Energy’ Rule”

MHARR – ISSUES AND PERSPECTIVES

By Mark Weiss MARCH 2022

<https://manufacturedhousingassociationregulatoryreform.org/lies-damned-lies-and-does-energy-rule/>

States Seek to Reimpose SCC Injunction as DOE Accelerates MH Energy Standards Rule  
Washington, D.C., April 8 2022:

<https://manufacturedhousingassociationregulatoryreform.org/states-seek-to-reimpose-scc-injunction-as-doe-accelerates-mh-energy-standards-rule/>

MHARR Asserts New Arguments for Withdrawal of Manufactured Housing DOE Energy Rule  
Washington, D.C., March 1, 2022

<https://manufacturedhousingassociationregulatoryreform.org/mharr-asserts-new-arguments-for-withdrawal-of-manufactured-housing-doe-energy-rule/>

Manufactured Housing Association for Regulatory Reform (MHARR) Files Supplemental Comments Opposing Proposed DOE Manufactured Housing “Energy” Rule  
Washington, D.C., November 23, 2021

<https://manufacturedhousingassociationregulatoryreform.org/manufactured-housing-association-for-regulatory-reform-mharr-files-supplemental-comments-opposing-proposed-doe-manufactured-housing-energy-rule/>

MHARR Supplemental Comments Urge MHCC to Intensify Opposition to DOE Energy Rule  
Washington, D.C., November 16, 2021

<https://manufacturedhousingassociationregulatoryreform.org/mharr-supplemental-comments-urge-mhcc-to-intensify-opposition-to-doe-energy-rule/>

MHARR Submits Third Comments On Proposed DOE Manufactured Housing Energy Standards

Washington, D.C., October 14, 2021

<https://manufacturedhousingassociationregulatoryreform.org/mharr-submits-third-comments-on-proposed-doe-manufactured-housing-energy-standards/>

Washington, D.C., October 5, 2021

Manufactured Housing Association for Regulatory Reform (MHARR) Submits Second Comments

on Proposed DOE Manufactured Housing Energy Standards

<https://manufacturedhousingassociationregulatoryreform.org/manufactured-housing-association-for-regulatory-reform-mharr-submits-second-comments-on-proposed-doe-manufactured-housing-energy-standards/>

MHARR Memo to Manufactured Home Producers, Retailers, Communities – Initial Comments On Proposed DOE Manufactured Housing “Energy” Standards  
Washington, D.C., September 16, 2021

<https://manufacturedhousingassociationregulatoryreform.org/mharr-memo-to-manufactured-home-producers-retailers-communities-initial-comments-on-proposed-doe-manufactured-housing-energy-standards/>

Washington, D.C., August 30, 2021

DOE Takes Next Step Toward Drastic and Costly Manufactured Housing Energy Standards

<https://manufacturedhousingassociationregulatoryreform.org/doe-takes-next-step-toward-drastic-and-costly-manufactured-housing-energy-standards/>

DOE Proposes Baseless, Extreme and Discriminatory Energy Standards Targeting Manufactured Homes

Washington, D.C., August 16, 2021

<https://manufacturedhousingassociationregulatoryreform.org/doe-proposes-baseless-extreme-and-discriminatory-energy-standards-targeting-manufactured-homes/>

MHARR Comments on DOE Manufactured Housing Energy Rule Focus on Excessive Costs and Market Exclusion

Washington, D.C., August 4, 2021

<https://manufacturedhousingassociationregulatoryreform.org/mharr-comments-on-doe-manufactured-housing-energy-rule-focus-on-excessive-costs-and-market-exclusion/>

HUD Manufactured Housing Consensus Committee (MHCC) Meeting Exposes Looming Battle Over Energy Standards

Washington, D.C., June 14, 2021

<https://manufacturedhousingassociationregulatoryreform.org/hud-manufactured-housing-consensus-committee-mhcc-meeting-exposes-looming-battle-over-energy-standards/>

MHARR Issues Strong Warning Against Solar Energy Mandates for Manufactured Homes

Washington, D.C., May 26, 2021

<https://manufacturedhousingassociationregulatoryreform.org/mharr-issues-strong-warning-against-solar-energy-mandates-for-manufactured-homes/>

“The Ultimate Battle Against Destructive Energy Regulation”

Washington, D.C., March 11, 2021

<https://manufacturedhousingassociationregulatoryreform.org/the-ultimate-battle-against-destructive-energy-regulation/>

MHARR Expresses Dismay Over Energy Case – Warning and FOIA Follow

Washington, D.C., February 5, 2020

<https://manufacturedhousingassociationregulatoryreform.org/mharr-expresses-dismay-over-energy-case-warning-and-foia-follow/>

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