

DOE Delays Energy Rule – Manufactured Home Industry Must Now Demand Total Revocation of Destructive Regulation

MHARR provides update on manufactured housing industry lawsuit in Case No. 23-cv-00174 in the United States District Court for the Western District of Texas.

WASHINGTON , D.C., U.S.A. , March 28, 2023 /EINPresswire.com/ -- The Manufactured Housing Association for Regulatory Reform (MHARR) has published an update on the Department of Energy's (DOE) announced delays of the pending manufactured housing energy rule. The media release is found at this [link here](#) on the MHARR website and is provided below.



FEDERAL REGISTER
The Daily Journal of the United States Government



DOE DELAYS ENERGY RULE - MANUFACTURED HOME INDUSTRY MUST NOW DEMAND TOTAL REVOCATION OF DESTRUCTIVE REGULATION

DOE Delays Manufactured Housing Energy Rule - Manufactured Home Industry Must Now Demand Total Revocation of Destructive Regulation, says Washington, D.C.-based Manufactured Housing Association for Regulatory Reform (MHARR).

DOE Delays Energy Rule – Manufactured Home Industry Must Now Demand Total Revocation of Destructive Regulation

MARCH 28, 2023

TO: MHARR MANUFACTURERS
MHARR TECHNICAL REVIEW GROUP (TRG)
MHARR STATE AFFILIATES

FROM: MHARR

RE: DOE DELAYS ENERGY RULE – INDUSTRY MUST NOW
DEMAND TOTAL REVOCATION OF DESTRUCTIVE REGULATION

The U.S. Department of Energy (DOE) has announced that its discriminatory and destructive

“energy conservation” standards for HUD Code manufactured homes, slated to go into effect on May 31, 2023, will be delayed to an indefinite date in the future pending the development of testing, enforcement, and regulatory compliance procedures (see, Federal Register notice attached).

This desperation move by DOE should not – and must not – result in the industry backing down on its pressure to strike down the DOE energy standards and any related enforcement mechanism in their entirety and to send DOE back to the drawing board on this entire matter, with proper input, consultation and coordination with both HUD and the Manufactured Housing Consensus Committee (MHCC) as required by applicable law.

“

The industry’s objective [of MHI suit] should – and must be – the total invalidation and rejection of the rule, either by DOE itself or pursuant to a court order after full litigation on the merits.””

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



Annual Manufactured Housing Production from 1995-2022. Manufactured Housing Association for Regulatory Reform (MHARR) Infographic. Note this image and another below can be expanded to reveal a larger size. Click the image and follow the prompts.

The delay in the effective date of the energy standards stemming from a corrupted DOE “negotiated rulemaking” process initiated in 2015, effectively concedes the validity of MHARR’s longstanding assertion that DOE’s 2022 final standards could not become effective without a testing, enforcement and compliance mechanism, and that DOE’s final rule is fatally defective because the costs associated with such regulatory compliance – an essential component of any rule -- were not included in DOE’s supposed cost-benefit analysis.

The industry’s objective, accordingly – and the objective of

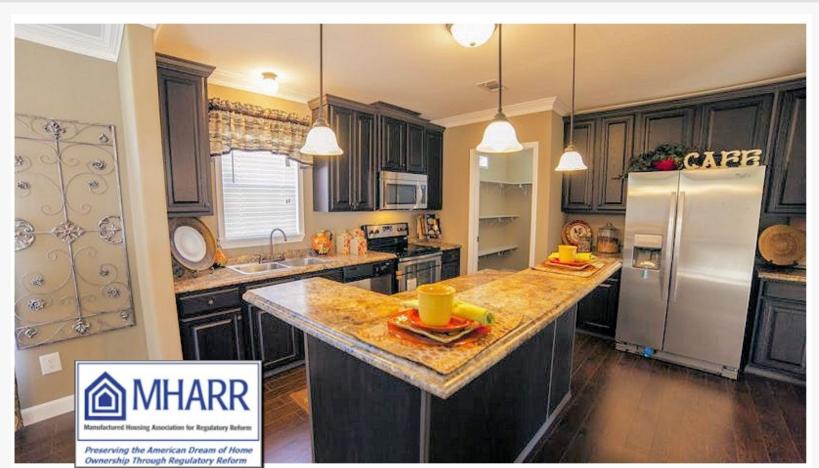
the pending litigation brought by the Manufactured Housing Institute (MHI) – cannot be the mere delay of an illegitimate and destructive rule that would ultimately devastate the manufactured housing market. Rather, the objective should – and must be – the total invalidation and rejection of the rule, either by DOE itself or pursuant to a court order after full litigation on the merits. MHARR, had it been a party to that litigation (notwithstanding the broad and liberal use of MHARR arguments and theories in that case), would have insisted on the final and total invalidation of the 2022 DOE final rule as the ultimate objective of that court action.

Given this situation, MHARR will continue to vigorously monitor the pending litigation and will also file comments in the DOE implementation delay docket calling for the repeal of the 2022 final DOE rule in its entirety and for DOE to go “back to the drawing board” on manufactured

housing energy standards in full and proper consultation with HUD and the MHCC, in full compliance with its enabling law. Comments in the delay docket are due by April 24, 2023. MHARR will file its comments soon and will make those comments available for reference by industry members in advance of the comment deadline. MHARR, as always, encourages industry members to file their own written comments.

cc: Other Interested HUD Code Manufacturers, Retailers, Communities and State Associations

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Another Modern HUD Code Manufactured Home Produced by MHARR Builder. Image, Logo by Manufactured Housing Association for Regulatory Reform.



"Ending the String of Self-Inflicted Manufactured Housing Industry Wounds." Manufactured Housing Association for Regulatory Reform (MHARR) Issues and Perspectives (MHARR IP), January 2023..

About MHARR

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.

Latest Manufactured Housing Industry National Production Reports

The largest known collection of manufactured housing industry production facts online of year publicly available of monthly updates by any nonprofit group is found at this link below.

<https://manufacturedhousingassociationregulatoryreform.org/category/manufactured-home-shipments/>

Latest Manufactured Housing Industry News from MHARR

The largest known collection online of manufactured housing industry focused news provided by a manufactured home industry nonprofit focused on independent producers' facts and views are found at this link below.

<https://manufacturedhousingassociationregulatoryreform.org/mharr-news/>

MHARR Issues and Perspectives

MHARR Issues and Perspectives are insider-insights and fact-packed articles authored by MHARR President and CEO, Mark Weiss, J.D. Years of "Issues and Perspectives" are found at the link below. They routinely provide insights not found from other sources.

<https://manufacturedhousingassociationregulatoryreform.org/category/mharr-issues-and-perspectives/>

Collection of MHProNews Q&As with Founding MHARR President and Current Senior Advisor Danny Ghorbani

Danny Ghorbani was a vice president for the Manufactured Housing Institute (MHI) before leaving and becoming the founding president and CEO of MHARR. Ghorbani's career spans some 5 decades and was recognized by the RV MH Hall of Fame. He was an engineer and played a key role in developing some 200,000 home sites for factory built mobile home homes prior to the HUD Code manufactured housing era. Those Q&A style interviews with Ghorbani are found at this link below.

<https://manufacturedhousingassociationregulatoryreform.org/mhpronews-qa-with-danny-ghorbani/duty-to-serve-mh/>

Brief History and Objectives of the Manufactured Housing Association for Regulatory Reform (MHARR)

MHARR's Mark Weiss, J.D., on Key Manufactured Housing Issues



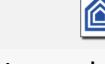
Freddie Mac's analysis concludes that the "main driver" of the entry-level housing supply/demand gap is a "long term decline in the ... supply of entry-level single-family homes, or 'starter homes.' (Emphasis added).
"The analysis thus notes that in the 1970s, "the entry-level single-family home market averaged 418,000 units per year." During the 1980s, however, that figure fell to an average of 300,000 units per year.
The rate of entry-level home construction fell through the 1990s, with an average of 207,000 entry-level units, and in the 2000s, with an average of 150,000 units per year.
Subsequently, during the 2010s, average entry-level housing supply according to Freddie Mac, declined even further, to an average of 130,000 units per year.
"In this span of five decades," then, the report concludes, "entry-level home construction fell from 418,000 units per year in the late 1970s to 65,000 in 2020." Mac Unwittingly Proves Its Own Failure" May 4, 2021



"Thirteen years after the enactment of the DTS mandate, however, the vast bulk of the mainstream manufactured home consumer lending market represented by personal property (or "chattel") loans remains **completely** unserved under DTS."
- Mark Weiss, J.D., CEO MHARR FHFA Listening Session Comments as presented 3.25.2021.



"And last there may be any doubt about what this enhanced presumption means and what it was designed to do, leading members of Congress in November 2000, in the DTS, made it quite clear, stating that the 2000 changes to the federal manufactured housing code give HUD "the legal authority to impose local requirements or restrictions which discriminate against the siting of manufactured homes (compared to other forms of family housing) simply because they are HUD Code homes."
- Mark Weiss, J.D., President & CEO of MHARR Manufactured Housing Association for Regulatory Reform (MHARR), Washington, D.C. On 2.9.2021



Preserving the American Dream of Home Ownership Through Regulatory Reform
MHARR

Note: this image another above can expand to a larger size. Click the image and follow the prompts. Mark Weiss, J.D. President and CEO Manufactured Housing Assoc for Regulatory Reform 3 MHARR-Mark Weiss Quote Collage.

<https://manufacturedhousingassociationregulatoryreform.org/brief-history-and-objectives-of-the-manufactured-housing-association-for-regulatory-reform-mharr/>

Major and Continuing MHARR Accomplishments for the HUD Code Manufactured Housing Industry and Consumers of Affordable Housing

<https://manufacturedhousingassociationregulatoryreform.org/major-and-continuing-mharr-accomplishments-for-the-hud-code-manufactured-housing-industry-and-consumers-of-affordable-housing/>

Key Issues holding manufactured housing industry at low ebb during an affordable housing crisis include the failure to fully and properly implement existing federal laws. The Manufactured Housing Improvement Act of 2000 and its 'enhanced preemption' provision is widely seen by industry professionals as not being properly enforced by the U.S. Department of Housing and Urban Development (HUD). Similarly, more cost effective manufactured home lending has been provided for by federal law, but those laws - in MHARR's expert view - are not being properly enforced. See the report linked below for more insights.

<https://manufacturedhousingassociationregulatoryreform.org/mharr-washington-update-march-15-2023-report-and-analysis/>

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