

Document Title: Sharp Critique of the Foreword in "HUD's Past, Present, and Future Role in Accelerating U.S. Offsite Construction For Housing"

Foreword Text (Key Excerpts)

"For more than half a century, the U.S. Department of Housing and Urban Development (HUD) has worked to ensure that American families have access to safe, decent, and affordable housing... These solutions must protect taxpayer dollars and foster private-sector leadership while expanding housing opportunity."

"This report... provides a thoughtful and thorough examination of how offsite construction can help meet these goals... The report highlights that success in offsite construction cannot be achieved by government alone. It suggests that HUD's role should focus on enabling innovation and removing outdated institutional barriers to empower the private market to innovate and grow."

The Action Plan offers strategies from standardizing federal award criteria to advancing housing system certification and performance-based building codes.

The Hypocrisy Highlight (Sharp Rebuke):

The Foreword piously warns against "federal overreach and actions, such as favoring one construction method over another, that could distort the private market."

This is pure rhetorical cover.

The same report explicitly recommends the opposite: demand aggregation through "standard award criteria," national housing system certification, and performance-based codes that favor sophisticated off-site players. While claiming restraint, it lays the policy foundation for routing support through preferred ecosystems.

Real-World Contradiction: HUD issued the Clayton Homes AC approval (June 25, 2026) for chassis-free upper stories **before** the related rulemaking comment period closed — giving a major manufacturer an advantage while smaller players wait. This is exactly the market distortion the Foreword claims to oppose.

Antitrust Concerns

This Foreword and the report raise serious competition issues:

- **Closed-loop ecosystem:** Recommendations align with ICC/MBI 1200/1205, where one entity writes the rules, certifies compliance, and profits from dependency.
- **Barriers to entry & foreclosure:** High-threshold requirements and selective approvals disadvantage independents, reducing choice and consolidating power.

- **Horizontal/vertical coordination:** Ties between HUD, NIBS, MOD X, academics, and ICC create hub-and-spoke risks under antitrust laws (restraint of trade, boycotts of alternatives like ASTM E541, monopolization of pathways).

The language about “private market” and “no favoritism” camouflages industrial policy that entrenches connected players. This warrants FTC/DOJ scrutiny alongside DOE/NHTSA review.