Manufactured Housing Association for Regulatory Reform
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August 12, 2026

VIA FEDERAL EXPRESS

Hon. Scott Turner
Secretary
U.S. Department of Housing and Urban Development
451 7th Street, S.W.
Washington, D.C. 20410

Re: HUD Manufactured Housing Program Issues

Dear Secretary Turner:

As you are aware from our introductory meeting last year, the Manufactured Housing Association for Regulatory Reform (MHARR) is a Washington, D.C.-based national trade association representing independent producers of manufactured housing regulated by the U.S. Department of Housing and Urban Development (HUD) pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401, et seq.) (1974 Act), as amended by the Manufactured Housing Improvement Act of 2000 (2000 Reform Law). MHARR was established in 1985. Its members include independent manufactured housing producers from all regions of the United States.

At our initial meeting, MHARR senior staff and member representatives stressed the major role that inherently affordable federally-regulated manufactured housing can and *should* have in addressing and alleviating the nation's unprecedented shortage of affordable housing and homeownership. And in, fact, program-level HUD officials have publicly claimed that the availability and utilization of HUD-regulated manufactured housing is a "priority" for the Department. Therefore -- and especially in light of President Trump's commitment to the growth, success and prosperity of American small businesses -- it is inexplicable and unacceptable to MHARR and its members that, under your administration, HUD's Office of Manufactured Housing Programs (OMHP) continues to be gravely mismanaged, discriminating against the rights, interests and representation of smaller manufactured housing industry businesses through, among other things:

(1) corrupt manipulation of the Manufactured Housing Consensus Committee (MHCC) and its processes as established by the 2000 Reform Law;

(2) the imposition of (or pending imposition of) needless additional and further regulatory mandates that disproportionately impact and harm smaller industry businesses and consumers;

(3) continued operation with the same personnel, same regulatory "contractor," same regulatory excesses, same anti-small business agenda, perspective and biases, and same lack of transparency (e.g., failure to respond to multiple time-sensitive Freedom of Information Act requests for years – see below) as it did prior to the Trump Administration; and

(4) failing to take any action, whatsoever, to fully and properly implement remaining reform provisions of the 2000 Reform Law including, most importantly, the implementation of its enhanced federal preemption authority to invalidate discriminatory state and local zoning mandates which exclude HID-regulated manufactured housing.

All of this -- which particularly characterized the program under the Biden Administration -- continues despite Executive Orders issued by President Trump for the express purpose of easing the baseless regulatory burdens that have crushed smaller industry businesses and are manipulated by vertically integrated manufactured housing conglomerates to stifle competition and consolidate the manufactured housing production market.

Instead of promoting the ability of independent, entrepreneurial manufactured housing businesses to produce affordable, mainstream manufactured homes that have long been the traditional core of the industry, OMHP policies and practices are instead being **weaponized** to benefit the industry's largest conglomerates and undermine its smaller businesses and their unique interest in a fully-competitive market with an even playing field for all participants.

All of this is totally inconsistent with President Trump's stated policies and the interests of the American people, and must be corrected. Indeed, despite some advances within OMHP during President Trump's first term – including the 2017 re-assignment of the Program's then-Administrator – the Program today is not only not functioning in a manner that is consistent with the landmark 2000 Reform Law and the President's housing policy priorities, but is actually **regressing** to a level of manipulation and corruption that the 2000 Reform Law was specifically designed to stop and eliminate.

As a result, on each of the issues outlined below – and on others as well (see, e.g., our prior communication to you dated February 26, 2026, attached) – your leadership and direct involvement is *urgently needed* in order to restore the OMHP to full and complete compliance with the 2000 Reform Law and as a legitimate, unbiased, even-handed regulator of the manufactured housing industry – which must (as Congress has repeatedly recognized) be regulated at the federal level pursuant to uniform federal standards, uniform federally-administered enforcement and robust federal preemption of disparate state or local standards or other "requirements" (e.g., exclusionary zoning) as provided by statute. Anything short of such intrinsic reform under your leadership, would warrant the elevation of this unique program closer to your direct, personal supervision, via an appointed OMHP Administrator / Deputy Assistant Secretary, in accordance with the 2000 Reform Law.

Accordingly, the first and primary issues that must be addressed – although certainly not the *only* dysfunctional aspects of the federal program – are as follows.

MANIPULATION AND DISTORTION OF THE STATUTORY MHCC

The statutory MHCC was established by the 2000 Reform Law as a consensus bulwark against excessive and unduly costly federal regulation of the manufactured housing industry. The MHCC, comprised of equal numbers of participants drawn from "producers" and "users" of manufactured housing, as well as "general interest" members, replaced and superseded the ineffectual and toothless National Manufactured Housing Advisory Council (Advisory Council) created by the original 1974 Act. The MHCC was *specifically* designed by Congress to be an effective voice for all stakeholders in the various OMHP programs and an independent check and balance against excessive, needless or unnecessarily costly regulation. Instead, it is being manipulated and weaponized in multiple key aspects by OMHP in order to undermine its balance and objectivity, and instead serve the narrow and specific interests of the industry's largest conglomerates.

1. EXCLUSION OF SMALL BUSINESS COLLECTIVE REPRESENTATION

Crucial to the functionality and legitimacy of the MHCC is the express statutory mandate that the MHCC be a "balanced" committee including representatives of the primary federally-regulated segment of the manufactured housing industry – i.e., producers. And, in fact, early in the history of the MHCC, HUD properly included staff representatives of both MHARR and the Manufactured Housing Institute (MHI) as Committee members. MHARR has long maintained -- and reasserts now (and the record over years of MHCC meetings and activity proves) -- that smaller industry businesses in particular, do not have representatives with sufficient time and opportunity to fully attend and completely participate in all of the detailed aspects of the MHCC, its meetings, and its crucial functions. Further, smaller industry businesses, in particular, are wary of possible regulatory reprisals – by either HUD or its entrenched 50-year monitoring contactor (see, further discussion below)– based on participation in MHCC debates. That is why smaller businesses in particular have sought – and continue to seek -- such collective representation through MHARR.

Since 2010, however, HUD has refused to appoint collective industry representatives based – supposedly -- on a June 18, 2010 Presidential Memorandum issued by the Obama Administration barring registered federal lobbyists from Federal Advisory Committees. But even after that guidance was expressly repealed by a subsequent Office of Management and Budget (OMB) directive issued on August 13, 2014 (see, copy attached) – as HUD has expressly and repeatedly been advised by MHARR – HUD has continued to repeatedly reject the appointment of MHARR senior staff members as a collective small industry business representative. This, in and of itself, has left smaller industry businesses – and particularly smaller, independent manufacturers – with no de facto member representation on the MHCC. To the contrary, and increasingly in recent years, MHCC debates and decisions are overwhelmingly driven by the interests, objectives and coordinated tactics of the largest industry producers and their representatives.

Simultaneously with – and as an adjunct to -- this targeted exclusion of small industry business collective representation on the MHCC, HUD, via OMHP, had imposed a *de facto* "gag order" on MHCC participation by MHARR as a representative of smaller industry businesses. Specifically, MHARR is being – and has been – denied the right to participate in MHCC debates and deliberations as such debates and deliberations are taking place – i.e., at a time when such participation could and would have the greatest possible impact -- and MHARR's decades of applicable experience and institutional knowledge, memory and know-how, would most benefit both the MHCC and smaller industry businesses. Instead, the current OMHP has continued the practice of the Obama-Biden OMHP to limit MHARR comments and participation to virtually meaningless "public comment" periods before and after MHCC discissions.

Such a restriction is baseless and without any semblance of merit or legitimacy, first because MHARR is not a general "member of the public" representing the interests of the generic "public." Rather, it is a national representative of regulated and directly-impacted stakeholders -- indeed, parties that are and have been – the primary targets of previous over-regulation, overly-costly regulation and needlessly costly and burdensome regulation. Put differently, the members that MHARR represents are not disinterested bystanders with interests that are indistinguishable from the public as a whole. Instead, they are regulated parties with specific financial, procedural and property rights and interests that exceed those of the general public and are directly and significantly impacted by the work and decisions of the MHCC. Therefore, they not only should – and must – be represented through collective membership on the MHCC, but they also must be afforded the opportunity, through MHARR, to fully, wholly and legitimately participate in the debates and deliberations of the MHCC as stakeholders, not as members of the general public.

Second, the restriction of collective MHARR stakeholder participation at MHCC meetings to "public" comment periods before and after debates is effectively a denial of any right to participate at all. Comments offered before a meeting and debate must essentially anticipate beforehand the direction, scope and nature of the debate – which is typically impractical and often impossible. There is simply no way, beforehand (and especially with cryptic, intentionally vague HUD-published agendas), to predict where and how a debate (often on highly technical issues) will progress or metamorphosize as it progresses. Thus, restricted speaking opportunities prevent collective experts, such as MHARR, from offering comments on debates as they progress, thereby denying smaller businesses any specific input into such debates and denying the MHCC the benefit of MHARR's collective, institutional knowledge, memory and know-how. At the same time, providing for "public comment" after a debate is concluded at the end of a meeting is, in reality, no right to comment at all, in that, by definition, the subject debate has already occurred and post-debate comments have no possibility whatsoever of impacting or affecting a debate that has already concluded. Essentially, then, such restricted participation opportunities are tantamount to no effective participation at all.

These restrictions, therefore, both separately and cumulatively, deny MHARR and its members of their substantive MHARR participation rights and Due Process rights with no valid or legitimate basis whatsoever.

2. REPEATED OVERLAPPING MEMBERSHIP APPOINTMENTS

The MHCC and its processes have been further corrupted by a skewed, biased and non-transparent HUD appointment process that has not only: (i) denied collective representation of smaller industry businesses through MHARR; and (ii) resulted in minimal smaller producer member representation at all, but has also resulted in repeated, overlapping terms – and, therefore, disproportionate participation and influence over Committee debates – almost without exception for … favored MHI-member conglomerates and individuals -- **while other independent individual nominees have been rejected without explanation**.

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While … individuals connected with MHI have served multiple, overlapping terms, multiple applications for MHCC membership by MHARR President and CEO Mark Weiss, MHARR Chairman Emeritus Edward Hussey[1] and other independent, ***non-MHI-affiliated*** applicants have been denied without explanation or comment. From this consistent pattern of appointments, it is readily apparent that there is – and has been – [illegitimate] coordination on MHCC appointments[.]

3. DILUTION OF THE MHCC THROUGH COMPETITOR APPOINTMENTS

The MHCC has been further compromised and distorted in its latest round of appointments, through the selection of members with minimal or no apparent (public-facing) connection to either manufactured housing or the manufactured housing industry.

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This lack of direct or longstanding involvement with the mainstream manufactured housing industry – or the manufactured housing industry at all – combined with these members' obvious interests in housing types and housing businesses that compete with manufactured homes and compete with MHARR member producers, should have *disqualified these applicants for appointment*. Yet they were appointed through a corrupted OMHP process, while more highly-qualified applicants, as set forth above, were excluded – and continue to be excluded -- from MHCC voting membership and participation.

Consequently, and at a minimum, the entire MHCC member appointment process should be the subject of an *independent*, open and transparent investigation, and must be restored to an open, transparent and legitimate functionality that is not manipulated, corrupted or distorted for the specific interests of either HUD or any outside entity whatsoever. In order to achieve such a restoration of the MHCC -- in addition to the aforesaid investigation:

(1) all 2026 MHCC appointments should be withdrawn;

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[1] Mr. Hussey is an attorney and former manufacturer. He was appointed by Congress to serve on the National Commission on Manufactured Housing, which in 1994 developed the framework for the 2000 Reform Law and for the MHCC itself.

(2) all new and replacement MHCC appointments should be made *directly by the Secretary*, with the approval of the White House;
(3) no repeat appointments should be made or permitted;
(4) multiple representatives of the same (or related) companies should not be permitted; and
(5) representatives of MHARR and other collective industry groups must be appointed.

Only with these and related changes will the MHCC be restored to any semblance of legitimacy as designed by the 2000 Reform Law.

FAILURE OF OMHP TO COMPLY WITH OR ENFORCE APPLICABLE LAW

In addition to its corruption of the statutory MHCC, OMHP, under its current leadership, has continued its failure to comply with other crucial reform elements and aspects of the 2000 Reform Law. Specifically, as MHARR has pointed out repeatedly for years, OMHP has awarded successive de facto sole source contracts to its entrenched monitoring contractor, without complying with the safeguards required for such contracts. As a result, OMHP has had *the same program contractor* – without exception and without interruption – since the inception of federal manufactured housing regulation in 1976. Over that period, there has typically been no competition whatsoever for the program monitoring contract and – the one time that there was competition, in the 1980s – HUD, instead of accepting a lower bid from another vendor, went to a second "best and final" (BAFO) round of bids, ultimately awarding the contract to the same entity, the Institute for Building Technology and Safety (IBTS), that has held the contract continuously since 1976, albeit under different corporate names.

In substantial part, as MHARR has determined through inquiries over multiple contract periods, this de facto monopoly is maintained through contract evaluation criteria and contract performance specifications that are written and tailored to the capacities and methods of the entrenched incumbent contractor. Essentially, these criteria and specifications equate contract performance with the methods, capacities and capabilities of the entrenched incumbent contractor, thereby effectively excluding all other potential contractors and varying approaches and methodologies.

Effectively, then, the HUD monitoring contract is – and for 50 years has been – closed to any other contractor, directly contrary to law and sound public policy. As an entrenched contractor, then, IBTS wields excessive and disproportionate power and authority within the program, again without any of the safeguards that would, should and must apply to such a function. This ultimately leads to a lack of enforcement and inspection accountability within the federal manufactured housing program, and excessive and unduly costly inspections mandated by the transparent self-interest of a compensated private-sector contractor. Yet, HUD – again contrary to the policies of President Trump and the express command of federal law – has failed to conduct a legitimate, competitive monitoring contractor procurement during the entire history of the federal program. Again, this is unacceptable and must be corrected by you, as Secretary.

LACK OF TRANSPARENCY AND ACCOUNTABILITY

In addition to this structural corruption, the former OMHP Administrator (and Deputy Assistant Secretary) left the HUD Program following the election of President Trump and, almost immediately, was installed as Vice President of Policy at MHI. Seeing this as evidence of possible pre-existing coordination and … affecting the operation of the federal program, MHARR immediately (on May 12, 2025) filed a wide-ranging Freedom of Information Act (FOIA) request …. Today, more than one year later, MHARR has received **ZERO documents** in response to this request, while Teresa Payne continues to serve in a sensitive "policy" position at MHI. Such stonewalling, in an attempt to circumvent the fundamental purposes and transparency objectives of FOIA – until such time as there may be no remedy or alternative action available – is a further corruption of both the program and the purposes of FOIA and federal ethics requirements.

Similarly, on December 14, 2021, MHARR filed an FOIA request with HUD … seeking information on certain HUD appointments to the statutory MHCC, and potential connection(s) to special interests or special interest groups. Today, almost six years later, MHARR has yet to receive a full response to its request. In that time, the specific MHCC members referenced in that FOIA request have completed their MHCC terms and have left the Committee, but the consequences of their votes and actions on the Committee remain, as do MHARR's questions and significant concerns regarding the validity, objectivity and legitimacy of the MHCC member selection process which, as noted above, MHARR believes has been seriously compromised and potentially corrupted.

Together with the obvious manipulation of the MHCC, these actions are unacceptable, are beneath what MHARR and its members expect of a Trump Administration, and **must** be corrected and remedied.

HUD FAILURE TO ELIMINATE DISCRIMINATORY ZONING EXCLUSION

Lastly, as MHARR has pointed out on numerous occasions, with both you and prior administrations, mainstream, affordable manufactured housing – given the existence of an unprecedented shortfall in the supply of affordable housing and homeownership – should be playing a *much larger role* in providing affordable housing for lower and moderate-income American families. Yet, notwithstanding this glaring need, the industry – for more than *two decades* – has produced little more than 100,000 homes per year (and at times far less). This is a reflection, in substantial part, of discriminatory zoning mandates in large areas of the nation which exclude HUD-regulated manufactured homes from areas otherwise approved for single-family housing. Such discriminatory mandates needlessly exclude millions of Americans from affordable manufactured housing – within an industry subject to HUD "superintendence"[2] – and thereby effectively exclude those same consumers from any type of homeownership whatsoever.

Although federal preemption under the 1974 Act was enhanced by the 2000 Reform Law to extend to any state or local "requirement" that interferes with HUD superintendence of the

[2] See, 42 U.S.C. 5403(d).

manufactured housing industry, HUD has not seen fit, over the past 26 years, to challenge any state or local law that excludes --- because they are built to a separate, preemptive federal building code and not ***their*** state or local building code -- the affordable manufactured homes which HUD itself regulates. This has allowed such discriminatory mandates to proliferate and thereby exclude manufactured homes – and manufactured homeowners – from many areas of the United States, thereby directly contributing to the proliferation of homelessness and lack of homeownership that President Trump has sought to address and alleviate.

The 21st Century ROAD to Housing Act (ROAD Act), however, championed by MHI and others in the industry, would do virtually nothing to address this major issue. While the ROAD Act does seek to develop language for "best practices" involving zoning – which MHARR supports – it does not directly address the specific issue of manufactured housing zoning exclusion and its specific preemption pursuant to controlling federal law. Although MHARR recommended amendment language for the original ROAD Act to more clearly empower HUD to preempt the zoning exclusion of manufactured homes, that amendment was not publicly supported by MHI – or by HUD – and, ultimately, was not included in the ROAD Act as enacted by Congress. Clearly, if HUD does not believe that it has authority now to federally preempt the discriminatory zoning exclusion of homes that *it* regulates, it could have joined with MHARR (and others) to support an amendment that *would* clearly give it such authority. Instead, HUD did neither – it still refuses to enforce the enhanced federal preemption of the 2000 Reform Law and refused to support the preemption-strengthening amendment proposed by MHARR.

Ultimately, HUD has a responsibility to address, correct and remedy the discriminatory zoning exclusion that has excluded HUD-regulated manufactured housing from so many communities, and has deprived millions of lower and moderate-income Americans of the American Dream of homeownership. HUD's "superintendence" of the industry under the 1974 Act, as amended, obligates HUD – as a matter of law and sound public policy – to ensure that HUD Code manufactured homes can be accessed and utilized by all Americans, everywhere, without exception. Anything less would be tantamount to state-sponsored discrimination and, therefore, unacceptable, per se.

Based on all of the foregoing, it is obvious that the federal manufactured housing program is reverting to its pre-2000 Reform Law practices and prejudices, and that the program must either be corrected or elevated to a position under your direct supervision, with an appointed Deputy Assistant Secretary. It is therefore urgent that you take strong measures to reform the HUD OMHP office to one worthy of the Trump Administration, and that you work to eliminate the biases and irregularities that are prejudicing and harming the interests of the smaller businesses that constitute the traditional and historical core of the manufactured housing industry.

We will elaborate on all of this further when we meet with you soon.

Sincerely,

Mark Weiss
President and CEO

cc: Hon. Donald J. Trump
Hon. Russell Vought
Hon. Kelly Loeffler
Hon. David Woll
Hon. Brian D. Harrison
HUD Code Manufactured Housing Industry Members

Attachments