



November 2, 2018

The Honorable Ben Carson, Secretary
U.S. Department of Housing and Urban Development
451 7th Street, S.W.
Washington, DC 20410

RE: Regulatory Review of Manufactured Housing Rules (RIN: 2502-AJ33)

Dear Secretary Carson:

This letter concerns the Department of Housing and Urban Development’s continued failure, after countless meetings, advice from your own Manufactured Housing Consensus Committee (MHCC), written Congressional requests, and comment letters on proposed rules, to more clearly define what constitutes a recreation vehicle (RV).

In addition to the reasons set forth in this letter, the modernization of these rules is fully consistent with the Administration’s goal of reducing regulations that are outmoded, ineffective, and excessively burdensome.

We write on behalf of the millions of Americans who make, sell, and use recreation vehicles and manufactured homes, as well as the campgrounds that provide recreation opportunities for these individuals. While we appreciate the many priorities at HUD, it is obvious to even a casual observer that the regulatory uncertainty and inconsistency from HUD’s inaction does a

great disservice to our members and the Administration's goals of avoiding duplicative regulation.

BACKGROUND

During the Obama Administration, HUD created a crisis for campgrounds, recreational vehicle owners and manufacturers by issuing a memo that changed the definitions of a "house" and a "vehicle." RVs are not housing; they are family camping vehicles. Since this October 2014 memo, RV manufacturers, dealers and campgrounds have been working with HUD to set a bright line distinction.

The good news is that an alternative policy was crafted through collaboration of industry, stakeholders and HUD's MHCC. In December 2014, the MHCC recommended a new definition acceptable to industry. The definition is easy to understand and allows those with incomplete knowledge of RVs and manufactured homes to quickly distinguish the products from one another. But now two and half years have passed since your Office of Manufactured Housing (OMH) Programs issued a Proposed Rule in February 2016 (FR-5877-P-01). We're not sure which direction the Final Rule will go, but we need your prompt attention to issue a Final Rule.

Most recently, the proposed exemption for RVs from HUD's Manufactured Home Construction Standards appeared in the Fall 2018 Unified Regulatory Agenda as a rule in the Final Rule stage.

THE IMPERATIVE FOR CLARIFICATION

We realize President Trump has directed agencies to closely review any unnecessary or expensive regulations that burden business. We further understand that, consistent with the Executive Order, HUD is reviewing its existing regulations to assess their compliance costs and reduce regulatory burden. The proposed exemption for RVs from HUD's Manufactured Home Construction Standards, if issued consistent with HUD's MHCC recommendations, is supported by industry and affected stakeholders.

The regulatory clarification we seek is not an unnecessary or expensive regulation that burdens business. If a Final Rule follows your MHCC recommendations from 2014, it will exempt recreation vehicles from its Manufactured Home Construction and Safety Standards and Procedural and Enforcement Regulations, as they properly should be.

This recommendation arose from a broad consensus among stakeholders, regulators, and members of Congress that regulating RVs is outside the scope of HUD's housing mission and not contemplated by the National Manufactured Housing Construction and Safety Standards Act. The circumstances behind this eminently reasonable recommendation have not changed and the numerous reasons for adopting it still stand.

WHAT IS NEEDED?

Once again, we respectfully request that HUD move this regulatory review forward as soon as possible and issue a Final Rule. If adopted, the proposed rule would help remove regulatory uncertainty at the federal level while decreasing burdensome and redundant regulation on a booming American industry. More specifically, HUD and OMH should publish a Final Rule

that remains within the narrow boundaries of the MHCC' s recommendation. Accordingly, the final rule should address the following points:

1. The final rule should clarify that HUD's OMH does not have authority over the construction or use of RVs.
2. HUD should remove the phrase "vehicular structure" and substitute "vehicle" in the final regulation's definition of a "recreational vehicle."
3. The final rule should incorporate broader reference to NFPA 1192 and ANSI 119.5 standards to acknowledge certainty of future updates.
4. The April 11, 2016 Proposed Rule's added requirement that an ANSI 119.5-15 certified RV (a park model RV) contain a notice prominently displayed in the kitchen until completion of the sale is unnecessary. This disclosure is already implemented by industry. Moreover, the notice requirement was not in the MHCC recommendation.

Vehicle advancements over the last 35 years make it imperative that HUD update its rulemaking to more clearly define what constitutes an RV. This rule would provide certainty to manufacturers and consumers and distinguish manufactured housing from RVs, which are subject to extensive regulation as vehicles by the U.S. Department of Transportation and state motor vehicle and taxing authorities. HUD has no jurisdiction over vehicles and should not be permitted to claim RVs are "homes" by regulatory fiat. Many stakeholders agree on this point. It's perplexing that HUD has not yet adopted a clear, simple, and easy-to-apply rule that avoids duplicative regulation while furthering the Administration's goal of reducing regulations that are outmoded, ineffective, and excessively burdensome.

Sincerely,

RV Industry Association
RV Dealers Association
National Association of RV Parks and Campgrounds
California RV Dealers Association
Florida RV Trade Association
Indiana Manufactured Housing Association – Recreation Vehicle Indiana Council
Michigan Association of Recreation Vehicles and Campgrounds
Montana Manufactured Housing & RV Association
Pennsylvania RV and Campground Association
Texas RV Association