

Attachment #1 to "Are You or Someone You Know Among the 25 Million Renters Who Could Buy a Manufactured Home Today? Freddie Mac Study 'Identifying the Opportunities to Expand Manufactured Housing' by Aw, Brown, Yea Examined" on MHLivingNews.

10:32 AM
1/28/2023

On the date shown the current (and perhaps only) version of the research report [linked here](#) by Astou Aw, Lariece Brown, and Ashley Yea and below was checked for the following MS WORD search results. The significance of these search results will be explained.



Preemption means: "What is preemption? • In the United States, preemption is **a legal doctrine that allows upper levels of government to restrict or even prevent a lower- level government from self-regulating,**" per Preemption Primer. States can, for example, enacted legislation that "preempts" local officials on some specific item such as zoning or manufactured home placement.



The report by Freddie Mac research authors Astou Aw, Lariece Brown, and Ashley Yea does not mention federal preemption. They do mention the Manufactured Housing Institute (MHI) three times. MHI is certainly aware of the preemption issue. Among the questions that need to be explored, therefore, are these. Did MHI inform Aw, Brown, and Yea about the Manufactured Housing Improvement Act (MHIA) of 2000? If not, why not? Or Did MHI inform the Freddie Mac research trio about so-called "enhanced preemption" of HUD Code manufactured housing under the MHIA's provisions?



Note that the MHIA is also not mentioned in the 14,000 + word in the 51 page (not including the cover) Freddie Mac research document. This is highly relevant to the zoning and placement barriers topic, as the pull quotes from MHI's then EVP and now CEO Lesli Gooch, Ph.D. said in a statement to HUD.





4) HUD Must Implement and Enforce its Enhanced Preemption Authority...

MHI Proposes that HUD shall issue a revised and updated policy statement regarding the Department's position concerning preemption and state and local zoning, planning, or development restrictions that either several limit or outright prohibit manufactured housing."

- Lesli Gooch, Ph.D.
then EVP, now CEO of MHI



"HUD has jurisdictional authority to move beyond case-by-case enforcement and take an official policy position opposing state and local regulatory schemes that are inconsistent with Congressional intent."

- Lesli Gooch, Ph.D.
then EVP, now CEO of MHI

Is Gooch the only one who holds such a view? No. The first Administrator for the Office of Manufactured Housing Programs that was established as a result of the widely bipartisan enactment of the MHIA said this in a comment.



"The term "enhancement" is consistent with my view that Congress probably considered the lack of a serious enforcement history of the preemption provision and therefore added language to the [MHIA of] 2000 Act directing HUD to take enforcement of [enhanced] preemption more seriously. This has always been my legal opinion."



William "Bill" Matchneer, J.D.,
Former administrator HUD Office of Manufactured Housing Programs (OMHP)

Mark Weiss, J.D., President and CEO of the Manufactured Housing Association for Regulatory Reform (MHARR), who has far more seniority in the industry than Gooch or most others currently on staff at MHI, said the following about the federal preemption – a.k.a. issue.

"With respect to zoning discrimination Congress, in the 2000 reform law, strengthened and enhanced federal preemption in order allow for the invalidation of state or local requirements," such as discriminatory zoning mandates, that have the effect of excluding mainstream manufactured homes."



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

- Mark Weiss, J.D.,
President and CEO
Manufactured Housing Association for
Regulatory Reform (MHARR),
Washington, D.C. On 2.9.2021



Weiss was more detailed in the statement below.



Mark Weiss



“Federal preemption as amended by the Manufactured Housing improvement Act of 2000 is designed to allow HUD Code manufactured homes, constructed in accordance with the federal standards, to be shipped and sited anywhere in the United States, regardless of where the home is constructed. This is essential to maintaining the uniformity of manufactured housing construction and safety regulation and maintaining the fundamental affordability of HUD Code homes. As a corollary, it is designed to prevent local jurisdictions from imposing their own costly standards on HUD Code homes, or using standards or other devices, such as discriminatory zoning measures, to exclude HUD Code homes. This benefits homebuyers by ensuring a uniform, cost-effective set of standards for construction and safety, while it benefits independent businesses by reducing the type of regulatory compliance burdens that would ensue if thousands of jurisdictions around the country were free to impose their own unique or differing standards or requirements. Ultimately, this helps expand homeownership opportunities for millions of lower and moderate-income Americans, while it helps industry businesses to grow and provide employment opportunities in the nation’s heartland.”



Thus, the omission of this discussion on a topic related to zoning is a significant oversight or miss. To further illustrate the importance of the topic are these remarks previously published by MHLivingNews and MHProNews from legislators who played a significant role in the enactment (think Congressional intent) of the MHIA).

More specifically, these combined changes have given HUD the legal authority to preempt local requirements or restrictions which discriminate against the siting of manufactured homes (compared to other single family housing) simply because they are HUD-code homes. We ask that HUD use this authority to develop a Policy Statement or regulation to address this issue, and we offer to work with you to ensure that it comports with Congressional intent.

Sincerely,

BARNEY FRANK

BEN G. THOMPSON

BARON P. HILL

MAXINE WATERS

KEN LUCAS

JULIA CARSON

The PDF of this 2003 letter, along with a cover letter to HUD Secretary Ben Carson that raised this same issue, is found at the link below this screen capture.



See that full letter from lawmakers to HUD in the report linked below. That linked report also explores the financing issue which has been another limiting factor on more manufactured home sales, as the Urban Institute and others have noted.

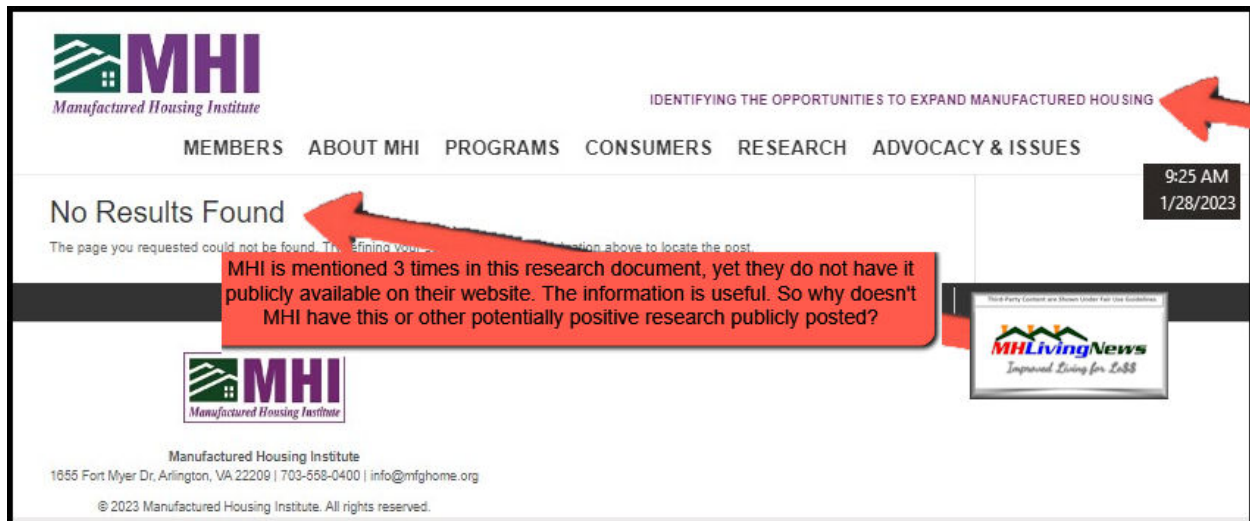
<https://www.manufacturedhomelivingnews.com/coming-epic-affordable-housing-finance-clash-chair-maxine-waters-vs-warren-buffett-clayton-homes-historic-challenges-ahead/>

Those points made it is perhaps no surprise that the Freddie Mac document fails to mention MHARR anywhere in its 51 pages.



Similarly, even though [MHPProNews](#) and [MHLivingNews](#) are cited by dozens of mainstream media reports, in the Consumer Financial Protection Bureau (CFPB) White Paper on manufactured housing, in Scholastica “Gay” Cororaton’s research into manufactured housing and by others, there is no mention of either found in a word search of the Freddie Mac research document as shown below.

This is significant for several reasons. Unlike MHI, which claims to represent “all segments” of the manufactured home industry, they oddly do not maintain a public-facing repository of published third-party research reports. For instance, while the Freddie Mac hints that the industry (meaning, MHI? Or who else?) has asked for this research (which it must be stressed has several useful items in it), there is no mention of this research on the MHI website.

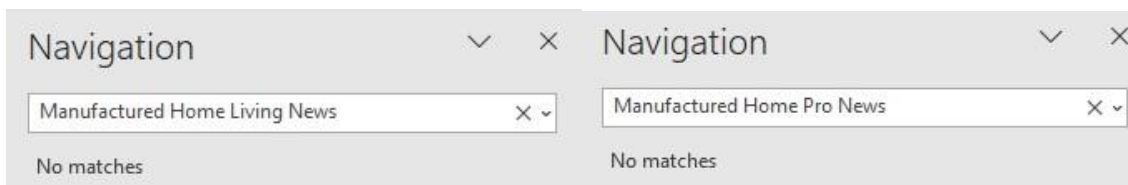


MHI’s attorneys have said that they monitor what others say about MHI. Then what possible excuse could MHI have for not posting the Freddie Mac research by Astou Aw, Lariece Brown, and Ashley Yea?

By contrast, [MHLivingNews](#) mentioned this research in our previous report on the Urban Institute study on a similar topic.

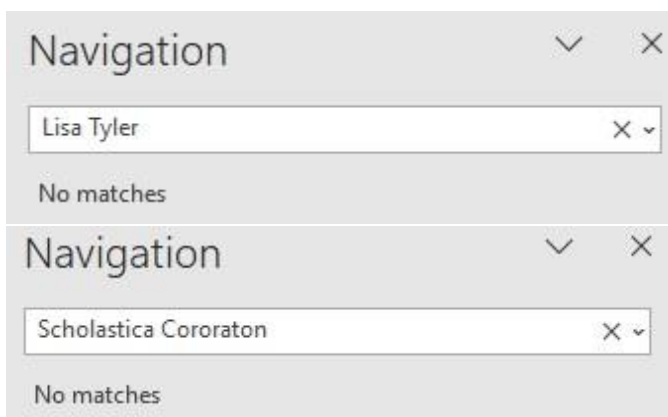


<https://www.manufacturedhomelivingnews.com/urban-institute-the-role-of-manufactured-housing-in-increasing-the-supply-of-affordable-housing-in-the-u-s-a-unpacking-uis-deep-dive-into-manufactured-homes-rese/>



The Freddie Mac researchers mentioned that there should be further study into community attitudes and the role that plays in manufactured housing zoning discrimination which wrongfully impacts blacks, Hispanics and other minorities on a reportedly disproportionate basis.

But that was the doctoral dissertation topic of Lisa Tyler, Ph.D. That document, along with the research by Scholastica "Gay" Cororaton, CBE, are both part of the research collection found on MHLivingNews linked below.





<https://www.manufacturedhomelivingnews.com/ultimate-reporters-researchers-affordable-housing-advocates-or-shoppers-3rd-party-research-reports-on-mobile-homes-manufactured-homes-and-modular-housing/>

On MHPProNews, some of this research has been available for years, found in articles like the one linked below.

Scholastica "Gay" D. Cororaton

MHPRONEWS

Richard Genz

Lisa Tyler, PhD, Bethel University.

Puzzling Affordable Housing Crisis, Manufactured Home Dilemma Story Told by Third-Party Quotable Quotes

<https://www.manufacturedhomepronews.com/affordable-manufactured-housings-puzzling-contemporary-condition-revealed-by-quotable-quotes-from-residents-professionals-expert-researchers-advocates-public-officials-graphics-and-repo/>

Despite talk about inclusion and benefiting Blacks, Hispanics or other minorities, MHI has oddly failed to take action on issues that could arguably advance the very interests that **Aw, Brown, Yea** have brought to light in their overall useful study.

Ivory Mewborn

MHI
MANIPULATIVE HOUSING INSTITUTE

MHLivingNews
Improved Living for All

'MHI [MANUFACTURED HOUSING INSTITUTE] WILL GRANT REQUEST VIA PRAYER' MAYOR PRO-TEM IVORY MEWBORN ON AFFORDABLE 'PLANT A HOME' - MILLIONS ARE WAKING UP TO SURPRISING, SOBERING, YET HOPEFUL REALITIES

Legal, moral and pragmatic reasons support affordable home ownership and Aynon's Plant-A-Home program | Editorial Columnists | reflector.com

<https://www.manufacturedhomelivingnews.com/mhi-manufactured-housing-institute-will-grant-request-via-prayer-mayor-pro-tem-ivory-mewborn-on-affordable-plant-a-home-millions-are-waking-up-to-surpri/>

There is a significant back story to these issues. See the linked and related reports to learn more.

DOJ: Buffett company discriminated ...
washingtonpost.com

DOJ: Warren Buffett company ...
wabi.tv

Clayton

delawarebusinessnow.com

cfpb Consumer Financial Protection Bureau

ATTORNEY GENERAL
DELAWARE

BERKSHIRE HATHAWAY

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DOJ-CFPB-RECORD RACIAL DISCRIMINATION-REDLINING CASE SETTLED BY WARREN BUFFETT-LED BERKSHIRE HATHAWAY OWNED LENDER - CLAYTON HOMES AND THEIR AFFILIATED LENDING NAMED BY SEATTLE TIMES - CONVENTIONAL AND MANUFACTURED HOUSING CLAIMS

<https://www.manufacturedhomelivingnews.com/doj-cfpb-record-racial-discrimination-redlining-case-settled-by-warren-buffett-led-berkshire-hathaway-owned-lender-clayton-homes-and-their-affiliated-lending-named-by-seattle-times/>



<https://www.manufacturedhomelivingnews.com/affordable-housing-conventional-housing-mobile-home-manufactured-home-and-modular-housing-conundrum-what-u-s-department-of-housing-and-urban-development-hud-research-revealed/>



<https://www.manufacturedhomelivingnews.com/machine-of-human-suffering-berkshire-hathaways-clayton-homes-manufactured-housing-institute-attorneys-response-to-allegations-felony-abuses-knudson-law/>



<https://www.manufacturedhomelivingnews.com/strommen-felony-conspiracy-case-monopolization-of-affordable-manufactured-housing-and-manufactured-home-communities-rube-goldberg-machine-of-human-suff/> for a 1400 word "executive summary" of these issues, see the statement on the FHFA website delivered by manufactured housing industry expert L.A. "Tony" Kovach <https://www.fhfa.gov/Media/Documents/Kovach-statement.pdf>