

AI and How Things Are Often Different Than They Seem - Fresh Look at the Pending DOE Manufactured Housing Energy Rule, Enforcement Mechanism, the Underlying Processes and Dynamics, and the Persistent Calls by Some Advocates for a Do-Over Critically Examined

"Four Score and Seven," AI, Housing and "There Ought to be a Law."

"Four score and seven years ago our fathers brought forth on this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal." "...we here highly resolve that these dead shall not have died in vain -- that this nation, under God, shall have a new birth of freedom -- and that government of the people, by the people, for the people, shall not perish from the earth." Gettysburg Address, Abraham Lincoln, Bliss Copy. November 19, 1863.

Decades before there was radio, television, or the internet, the 1th President of the United States (POTUS) Abraham Lincoln (R) uttered and personally wrote those words. They had to be written because the typewriter wasn't invented until 1868. There are times when it pays to look back into the past to better understand the present. Who said? James "Jim" Clyburn (SC-D), who before he began his political career was a historian. Clyburn aptly observed the following on 2.29.2020.

"We study history to understand the present and to prepare for the future. Because anything that has happened before can happen again."



"We study history in order to understand the present and to prepare for the future. Because anything that's happened before can happen again."

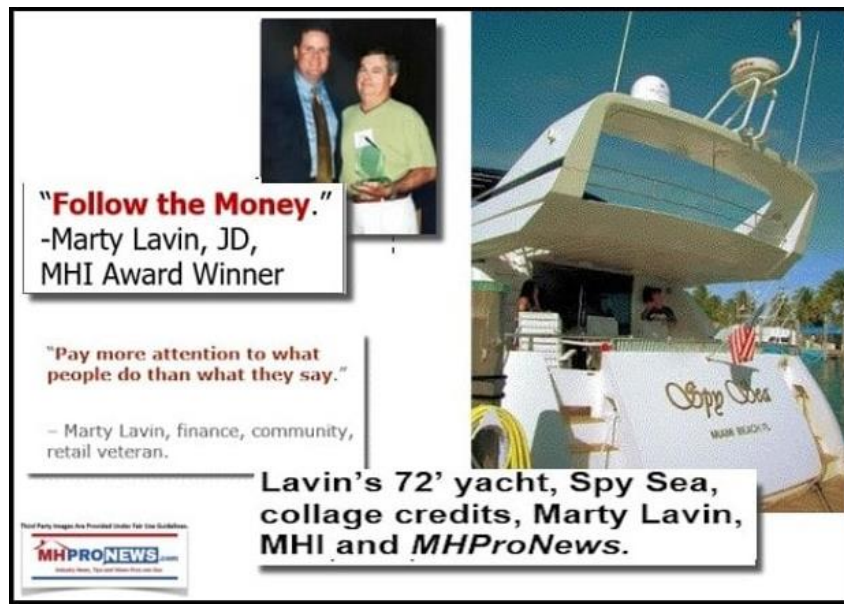
– House Majority Whip Jim Clyburn (SC-D) on 2.29.2020.



Journalism. History. Business. Training in common sense, pragmatic yet idealistic thinking tempered by logic or objective reasoning. Over 30 years of direct involvement in multiple aspects of the manufactured housing industry. An actual manufactured homeowner who has also owned conventional housing. Numbers or awards, achievements, and public recognition in the related fields enumerated in this opening paragraph. Perhaps one of the most published persons living involved and dedicated to the advancement of manufactured housing because at this time manufactured homes are the single most proven solution to the affordable housing crisis.

All of that is demonstrable, as the appendix of this document will reflect. But all that in this preface is to say the following. What is the history? What is the law? What are the facts? Who has what agenda - stated or implied by behavior and evidence?

When we live in an Information Age, why is that so much information upon closer examination is apparently misinformed? Hold that thought as you ponder the following.



As a disclosure, for over a decade, L. A. "Tony" Kovach (moi) has not been registered as a member of any political party. As the co-founder and publisher of the largest collection, and apparently most-read trade media of its kind serving manufactured housing industry professionals, on a day-by-day basis I read and routinely share information from across the left-right spectrum.

Besides industry leading *Manufactured Home Pro News* (ManufacturedHomeProNews.com or MHPProNews.com), my European university educated Middle Eastern immigrant wife and I also co-founded and publish a general public facing companion site, known as *Mobile and Manufactured Home Living News* (ManufacturedHomeLivingNews.com, MHLivingNews.com, and other URLs).

I've aptly been described as an expert in the manufactured home industry. That said, What I thought was true a dozen years ago turns out to have only been *partially* correct at the time.

I'm admitting that I made mistakes. But I am not alone. Being human, the odds are excellent that those who read this have made mistakes in their lives too. As someone who has been testing artificial intelligence (AI) for some 9 months in my work in manufactured home industry news reports with analysis (longer form analytical journalism), I source information, disclose its origins, apply experience and reason, and then check it against other possible insights. As Microsoft owned Bing says of its AI powered Copilot: "Copilot uses AI. Check for mistakes."

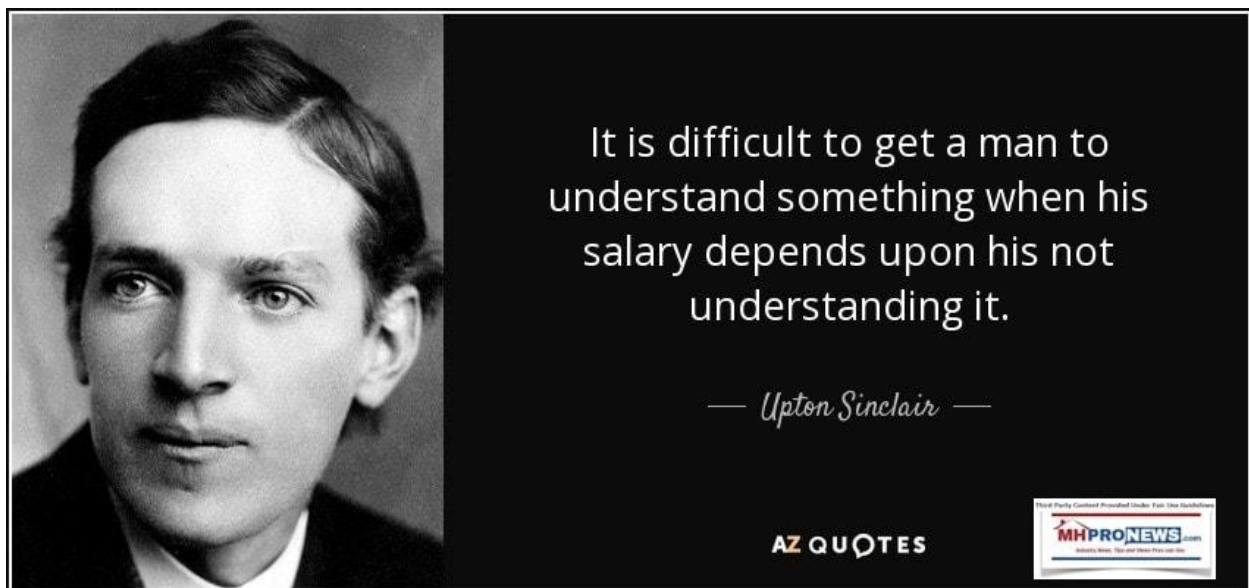
That "check for mistakes" is good advice for any of us. Google glitches. Bing, AI, humans, we all glitch. We ought to be willing to admit past errors when we are confronted by facts and evidence that challenges our perceptions and previously held thinking.

Media is supposed to be in the business of holding the powerful to account. At times, media frankly does a poor job of that, as evidenced by the fact that what became the Enron, WorldCom, Madoff, Theranos, Fannie Mae/Freddie Mac in the mortgage financial crisis circa 2008, SBF-FTX and other modern scandals evidences.

Those scandals and others demonstrate several things that will be applied to this DOE manufactured housing energy rule topic. It may seem at first that we are a million miles from that issue, but it won't

seem so once we get deeper into this document. Note that all linked items are to be considered as part of my submission.

- 1) The founders of this country began with stated ideals that they were not able to reconcile with the issue of slavery. It wasn't until the rise of the abolitionist movement, the candidacy of Abraham Lincoln, and the push-pull dynamics of that era that slavery was finally formally ended. Strong views existed on both sides of that issue, not just in the U.S. but around the world. Slavery was common for most of human history. Now, people look at it with horror. That's how humanity develops. Despite laws, slavery still exists today.
- a) Slaveholders and slave traders excused their behavior in part because it was commonly held thinking. They thought that it was financially in their interest to not question themselves. That still happens today.
- b) That principle that something can be commonly held but still be an egregious error applies to this topic of the DOE and the manufactured housing energy rule and related too.



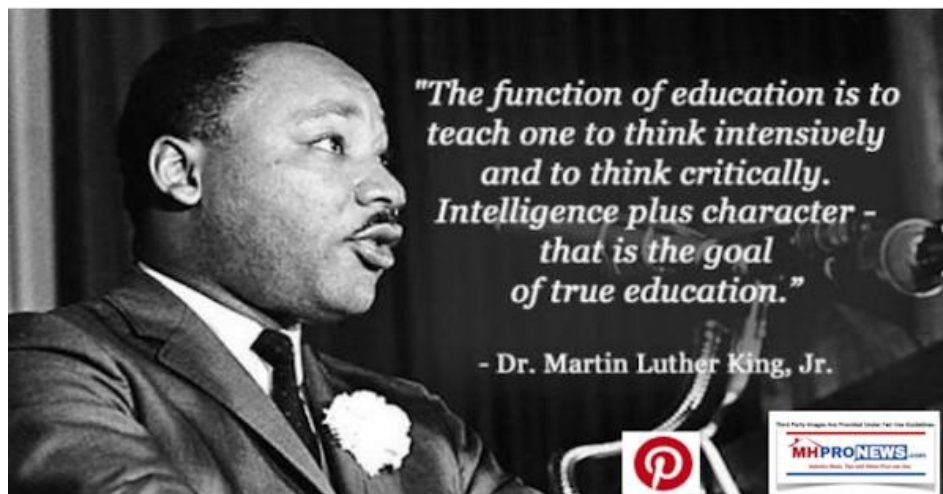
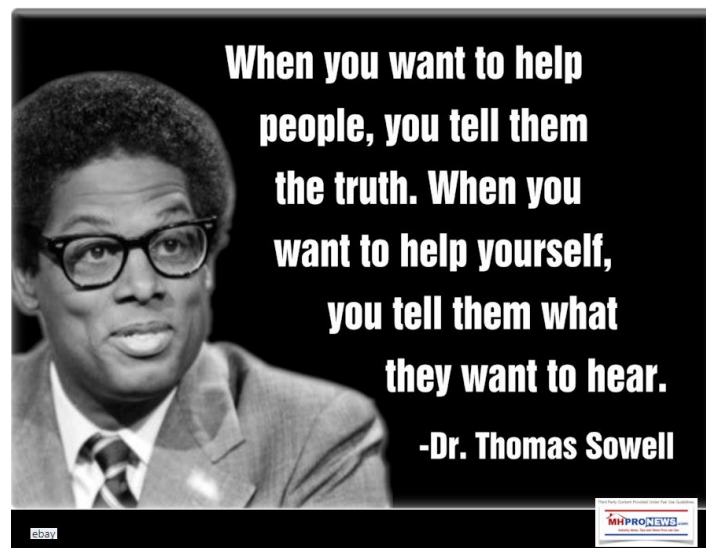
- 2) When Lincoln wrote and said that "all men" are created equal, during that era, the term "men" could be understood – depending on the context – as humanity or 'all people.' Adults or children. Whatever ethnic, racial, or religious group. We are all created by God with different gifts, but with the same rights and responsibilities.
- 3) Evidence that God exists is as close as your mirror or a look at your limbs. Science today has confirmed the incredible complexity of the human body. Are we really going to believe that it all happened by accident? "Acorns come from oak trees, and oak trees come from acorns." "Which came first, the chicken or the egg?" Those youthful maxims were taught to many as common sense ways of recognizing that science doesn't have all the answers. The existence of a Creator of all things and all people alone explains much of our pre-historic past. We are wise to recognize that the Creator who gave us free will also gave us the wit and wisdom sufficient to navigate issues that arise because people driven by an agenda have caused them.
- 4) Before someone who is attentive is finished reading this document, they will have an array of information about manufactured housing. Much of the focus will be on manufactured housing in the 21st century. Odds are excellent that those who read this start to finish and stay attentive will learn a lot about the industry and about the affordable housing crisis. U.S. facts, including but not limited to manufactured housing, will be framed through legal, regulatory, and other stated

principles. In fact, someone who reads this in the proper mindset and spirit will likely have a better introductory grasp than some 98 percent of the U.S. population, and will have sufficient linked information to find out more about what they need to learn to make an informed decision about the pending DOE manufactured housing energy rule and proposed regulatory framework.

Disclosures.

The AI powered Copilot settings in this document will be on the balanced or 'blue' setting.

While our trade media (MHProNews/MHLivingNews) and parent company (LifeStyle Factory Homes, LLC) of which I am a managing member has sponsors, clients, and supporters, these are my views. My views are based on facts, evidence, a healthy understanding of manufactured housing and a reasonable grasp of how life works in the 21st century. My views will be support by an array of evidence and will be fact-checked by AI from time to time so that there is confidence in what is being presented is accurate, pragmatic, hopefully thought provoking, but in the final analysis should be useful for the DOE and other stakeholders.



Facts. Evidence. Critical thinking skills. Historic context. Legal perspectives. The affordable housing crisis. The widespread belief by some 2/3rds of the American population, per surveys, that the "system is rigged" in favor of the connected and affluent few.

All of these will be examined in framing this response. When it is concluded, it should be apparent what needs to be done if the Department of Energy is to live up to its mission and legal mandate with respect to the regulation of manufactured housing energy standards.

Energy Conservation Program: Energy Conservation Standards for Manufactured Housing

A Rule by the [Energy Department](#) on [05/31/2022](#)

Before closing this preface and moving onto the body of this manufactured housing industry expert's comments letter let's note these principles which will be used herein.

- 1) The principle of separating the wheat from the chaff. There are times when something is partially correct. Or when something is true, but omitted some necessary or useful piece of information. Paltering, posturing, projecting, and agenda-driven spin are just some of the problems of our era. A savvy individual should approach this or any other comments letter with some principles in mind. Who are they? Why are they saying this? How does what they say fit – or fail to fit the facts? How should the facts reflect upon our agency's decision making process? That describes a process that requires discernment, critical thinking skills, and a willingness to sift the proverbial wheat from the useless chaff.
- 2) **Stating the obvious can bring clarity to an issue.** That notion will be demonstrated several times.
- 3) **While these are expert opinions,** it is my goal to always present the facts in a manner that can be readily verified. We will periodically provide mini-summaries and a final summary.

**Awareness and Combatting Influence:**

- **Awareness** of media dynamics, corporate interests, and systemic biases is crucial. Recognizing how narratives are constructed empowers individuals to critically evaluate information.
- **Media literacy** and understanding the role of media ownership, funding sources, and editorial decisions are essential. People can seek diverse perspectives and fact-check information.
- **Civic engagement**, voting, and advocating for transparency and accountability are ways to combat undue influence. Grassroots movements and informed citizens play a vital role in shaping a fairer system.

In summary, understanding media narratives, recognizing systemic issues, and promoting transparency are vital steps toward combating the influence of a rigged system. Awareness empowers individuals to engage actively in shaping a more equitable society. 🌟🗳️📊

[Learn more](#) [1 politico.com](#) [2 cambridge.org](#) [3 brookings.edu](#)

Base image is screen capture of Copilot result on 2.4.2024.

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ResearchGate

Additionally, Bing's AI Copilot said itself that it uses left-leaning Wikipedia and Clayton Homes as 'trusted' sources for information about manufactured housing.



Abstract

Prior studies have found that ChatGPT3.5 has a left-wing political bias. The present study replicates and expands on one of those studies by testing for bias in Microsoft Copilot, Gab AI, Google Gemini and Perplexity. The study found that Copilot and Gemini are definitely biased, Perplexity may be biased and Gab AI may not be biased. Sadly, it appears that some chatbots still have a left-wing bias. That is unfortunate because scholars who are not aware of the bias may be fooled into believing that the information they retrieve is unbiased, or that there are no opposing views. Scholars who are aware of the bias are deprived of publications that present nonapproved views. Ethical bot creators should prominently disclose the fact that their bot does not present a fair sampling of diverse views.

Are Chatbots Politically Biased? Four Case Studies

February 2024

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Part I – Where the U.S. Stands Globally in the Rate of Homeownership.

The Troubling Realities About the U.S. Affordable Housing Crisis

According to left-leaning Wikipedia, and per the table shown below, the U.S. has a lower rate of home ownership than over 4 dozen other nations around the world. Since I've begun doing this periodic look at this information, the U.S. standing globally in the rate of homeownership has apparently been in decline.

Look carefully. Often poorer nations in terms of their Gross Domestic Product (GDP) or average per-person (per capita) earnings may have a higher rate of home ownership than the U.S. does.

That begs several questions. Among them, how is that possible? How can a nation that has more income (i.e: the U.S) more wealth, in many cases more technology nevertheless have lower rates of home ownership? There are many factors, which may include misinformation. We won't be probing them all.

But some points are clear. U.S. **Zoning barriers and financing mechanisms** are among those issues, per an array of sources that span writers on either side of the left-right divide. More on that later herein.

List of countries by home ownership rate

(screen capture on Wikipedia performed on 2.26.2024)

This is a list of countries and territories by [home ownership](#) rate, which is the ratio of owner-occupied units to total residential units in a specified area.^[1]

Country or Territory	Home ownership rate(%)	Date of Information
 Laos	95.9	2015 ^[2]
 Romania	95.3	2021 ^[3]
 Kazakhstan	95	2018 ^[4]
 Slovakia	92.9	2021 ^[3]
 Hungary	91.7	2021 ^[3]
 Croatia	90.5	2021
 Cuba	90	2014 ^[5]
 North Macedonia	90	2016 ^[6]
 Vietnam	88.1	2019 ^[7]
 China	89.68	2018 ^[8]
 Serbia	89.4	2021 ^[3]
 Lithuania	89.0	2021 ^[3]

Country or Territory	Home ownership rate(%)	Date of Information
 Russia	89	2018 ^[9]
 Singapore	87.9	2020 ^[10]
 Poland	86.8	2021 ^[3]
 India	86.6	2011 ^[11]
 Myanmar	85.5	2014 ^[12]
 Nepal	85	2011 ^[13]
 Bulgaria	85.0	2022 ^[3]
 Indonesia	84	2019 ^[14]
 Taiwan	83.9	2010 ^[15]
 Latvia	83.1	2022 ^[3]
 Oman	83	2014 ^[16]
 Estonia	82.0	2022 ^[3]
 Malta	81.9	2021 ^[3]

Country or Territory	Home ownership rate(%)	Date of Information
 Norway	80.3	2019 ^[3]
 Mexico	80	2009 ^[17]
 Thailand	80	2002 ^[18]
 Czech Republic	78.3	2021 ^[3]
 Portugal	78.3	2021 ^[3]
 Malaysia	76.9	2019 ^[19]
 Slovenia	76.1	2021 ^[3]
 Spain	76.0	2022 ^[3]
 Egypt	76	2019 ^[20]
 Trinidad and Tobago	76	2013 ^[21]
 Kenya	75	2019 ^[14]
 Italy	73.7	2021 ^[3]
 Iceland	73.6	2018 ^[3]

Country or Territory	Home ownership rate(%)	Date of Information
 Greece	73.3	2021 ^[3]
 Brazil	72.5	2019 ^[22]
 Belgium	72.5	2022 ^[3]
 Luxembourg	71.1	2021 ^[3]
 Netherlands	70.6	2022 ^[3]
 Ireland	70.0	2021 ^[3]
 European Union	69.9	2021 ^[3]
 Cyprus	69.8	2021 ^[3]
 South Africa	69.7	2021 ^[23]
 Finland	69.5	2022 ^[3]
 Argentina	68.9	2017 ^[24]
 Canada	66.5	2021 ^[25]
 Australia	66.3	2020 ^[26]

Country or Territory	Home ownership rate(%)	Date of Information
 United States	65.9	2022 ^[27]
 Brunei	65	2019 ^[28]
 Sweden	64.9	2021 ^[3]
 France	64.7	2021 ^[3]
 Israel	64.6	2019 ^[29]
 New Zealand	64.5	2018 ^[30]
 United Kingdom	63	2018 ^[31]
 Saudi Arabia	62.08	2019 ^[32]
 Iran	60.5	2017 ^[33]
 Denmark	59.2	2021 ^[3]
 Turkey	57.5	2021 ^[3]
 South Korea	57.3	2021 ^[34]
 Japan	55.04	2021 ^[35]

Country or Territory	Home ownership rate(%)	Date of Information
 Hong Kong	51.5	2021 ^[36]
 Austria	51.4	2022 ^[3]
 East Timor	49.9	2007 ^[37]
 Germany	49.1	2021 ^[3]
 Switzerland	42.2	2021 ^[3]
 United Arab Emirates	28	2017 ^[38]
 Nigeria	25	2019 ^[14]

Per that chart, the U.S. stands at #52 in the world.

Part II – Insights from HUD Policy Development and Research (PD&R) professionals Regina Gray and Pamela Blumenthal.

1). On 9.7.2021 in a post on the HUD website entitled: “Opportunities to Increase Housing Production and Preservation.” Keep in mind that when citing a source, we are not necessarily endorsing every aspect of what they have said. For instance, Blumenthal and Gray said there is a need for “more than 3 million units.” Strictly speaking, that is true, but depending on the source, it may be more in the range of 6 to 10+ million housing units. So, 3 million is an apparent understatement. Quoting their HUD PD&R:



In this article, Pam Blumenthal and Regina Gray discuss the impact of regulatory barriers on housing affordability.

The United States needs more housing, and more varied types of housing, to meet households’ needs throughout the country.”

2). Some other pull quotes from their remarks.

"...[building permits](#), one indicator of new housing supply, remain below historical averages and far below the level needed to eliminate the deficit in housing."

"The consequences of inadequate supply are higher housing costs for both renting and buying a home. [More than 37 million renter and owner households](#) spent more than 30 percent of their income for housing in 2019. In the years prior to the pandemic, low interest rates for mortgage loans and increasing incomes, not lower home values, had reduced owner cost burden. For renters, increasing incomes were matched by rising rents, maintaining cost burdens despite a strong economy."



Sources: U.S. Census Bureau and U.S. Department of Housing and Urban Development

3). Without significant new supply, cost burdens are likely to increase as current home prices reach all-time highs, ..."

"These data emphasize the urgency of employing opportunities for increasing the supply of housing and preserving the existing housing portfolio."

Let's pause briefly. I'm a self-professed supporter of much more manufactured housing in the U.S. That acknowledged, I'm also a believer in allowing people to make ethical, lawful, sustainable free market choices. Meaning, people should have the right to buy whatever kind of housing they can reasonably quality for and afford. Conventional housing is fine. Multifamily housing units, both as rental or owner-occupied, is an obvious option. Modular housing, other forms of prefab housing, 3D printed housing, tiny housing, all of those can be fine. In the mix of housing options, manufactured housing is one of those acceptable options. Or, as Blumenthal and Gray said, the "data emphasize the urgency of employing opportunities for increasing the supply of housing and preserving the existing housing portfolio."

4). Back to Gray's and Blumenthal's narrative for HUD's PD&R. What follows should have been headline news from coast-to-coast but wasn't.



The regulatory environment — federal, state, and local — that contributes to the extensive mismatch between supply and need has worsened over time. Federally sponsored commissions, task forces, and councils under both Democratic and Republican administrations have examined the effects of land use regulations on affordable housing for [more than 50 years](#). Numerous [studies](#) find land use regulations that limit the number of new units that can be built or impose significant costs on development through fees and long approval processes drive up housing costs. [Research](#) indicates higher housing costs also drive up program costs for federal assistance, reducing the funds available to serve additional households.”

5). What Blumenthal and Gray said is that for over 5 decades, both major parties “both Democratic and Republican administrations” have had leaders who “have examined the effects of land use regulations on affordable housing for [more than 50 years](#).”

6). “Numerous [studies](#) find land use regulations that limit the number of new units that can be built or impose significant costs on development through fees and long approval processes drive up housing costs.”

7). *MHLivingNews* unpacked their research in the report linked below. As a reminder, linked items are part of this submission. It is recommended that this document be read start to finish to get the feel of the facts and thesis based on those facts. Then on the second reading, the linked items should be explored. Then, read this document one more time, checking linked items only as needed for clarity. That process will yield a level of understanding is bound to occur which may not be found in many other submitted remarks. What DOE should do with the manufactured housing energy rule clearly ought to be based on sound information. Once that information is understood, what should occur with the DOE energy rule will become apparent, based on facts and an abundance of evidence.



<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>

8). Beyond Blumenthal and Gray's researched remarks quoted and linked above, was a more recent research report by Gray (photo below). Her article was focused on manufactured housing more specifically.

About 2 years after the HUD research cited above, Gray on 9.19.2023 said the following in an article entitled: "**Expanding Housing Choice through Investments in Innovation and Technology.**"

9).



As the Office of Policy Development and Research celebrates its 50th anniversary, the time is right to reflect on our progress in promoting investments in technology that can offer Americans more affordable housing options and transform the homebuilding industry. The drive to build housing more quickly, cheaply, and efficiently is a challenge that HUD has grappled with since its inception. Lessons learned from the Operation [Breakthrough](#) demonstration in the late 1960s provide a lens through which we have witnessed considerable progress in industrialized construction." ...



10).



Operation Breakthrough's biggest accomplishment, however, was the adoption of the HUD Code, which introduced the industry and the world to manufactured [housing](#). The Manufactured Home Construction and Safety Standards Program, which governs the HUD Code, established design, performance, and installation standards for manufactured homes built after June 15, 1976 ("Manufactured Home Construction and Safety Standards," [2015](#)). In 1994, updated HUD Code energy standards raised minimum insulation requirements and mandated whole house ventilation systems for manufactured [homes](#). Homes built to these standards enhance quality and safety and improve energy [performance](#)."

11). So according to HUD's Gray, Operation Breakthrough, see reports linked below, **boasts HUD Code manufactured housing as the crown jewel of their industrialized housing program**. Note what Gray said next.

12).



We believe that manufactured housing, once used interchangeably with the term "mobile homes," is an important segment of the housing stock with the potential to increase the supply of affordable housing for low-income Americans. Since the establishment of the HUD Code, manufactured housing (and offsite construction in general) has undergone many technological, design, and financing changes that have made it indistinguishable in many respects from conventional site-built housing. In fact, in our recent engagements with international delegations, officials have characterized the HUD Code as a precursor to innovation in industrialized construction. Although discussions to modernize the HUD Code are ongoing, nations such as Sweden, the United Kingdom, and Japan look to the code to demonstrate the benefits of industrialized housing construction. As we continue to build our Learning Agenda around innovation and technology, we look to adopt national and international best practices that work."

13). Per Gray, "international delegations" comes to the U.S. from countries such as "Sweden, the United Kingdom, and Japan" to better understand manufactured housing specifically and industrialized housing more broadly. Note from the list in Part I that each of those nations has a lower rate of home ownership than the U.S. does.



<https://www.manufacturedhomepronews.com/expanding-housing-choice-through-investments-in-innovation-and-technology-regina-gray-hud-director-affordable-housing-research-and-technology-division-on-manufactured-housing-plus-m>

14).





<https://www.manufacturedhomepronews.com/hud-builders-nahb-innovative-housing-showcase-operation-breakthrough-systematic-aristotle-thomism-testing-jas-schmitz-claims-of-sabotaging-monopolies-todd-m-richardson-hud-pdr>

15). Let's do one of those mini-summaries. In no particular order of importance, we've discovered the following facts.

- a) Over 4 dozen nations in the world have rates of home ownership that are higher than the U.S. (Part I)
- b) According to HUD researchers, zoning barriers are a key factor harming affordable housing (Part II).
- c) Affordable housing, removing zoning or other regulatory barriers, and affordable financing options go hand in hand in making housing more affordable and accessible (what some call "attainable."). Gray mentioned energy efficiency as having improved in manufactured housing since 1994.
- d) Specifically, Gray said: "In 1994, updated HUD Code energy standards raised minimum insulation requirements and mandated whole house ventilation systems for manufactured [homes](#). Homes built to these standards enhance quality and safety and improve energy [performance](#)."
- e) DOE officials should clearly recognize that energy regulation has existed in manufactured housing from the formal start date of HUD Code manufactured housing on 6.15.1976. They improved in 1994. Other improvements have occurred in the HUD Code manufactured home program, which will be identified further below.
- f) Even though some 52 countries have a higher rate of home ownership than the U.S. Sweden, Japan, and England are among the nations which have reportedly sent delegations to the U.S. to better understand HUD Code manufactured homes. Those nations have a lower rate of homeownership than the U.S.A. currently does.

16). According to Copilot, the following factors are among the reasons for higher rates of homeownership. Highlighting is added by this writer.



...Explaining Higher Homeownership Rates in Poorer Nations:

- **Cultural Significance:** In many countries, owning a home symbolizes stability, wealth, and success. Cultural norms and traditions drive high homeownership rates.
- **Historical Context:** Historical events, such as post-communist transitions or government property sales, have influenced ownership patterns.

- **Affordability:** In some cases, **lower housing prices** relative to income levels make homeownership more accessible.
- **Government Policies:** **Supportive policies**, like **affordable housing programs** or **relaxed restrictions**, encourage homeownership.
- **Quality of Housing:** Despite affordability challenges, people prioritize owning a home, even if it means living in less-than-ideal conditions..."

17) Notice the highlighted words:

- **lower housing prices**
- **Supportive policies**
- **affordable housing programs**
- **relaxed restrictions,**

All of those bulleted items: "encourage homeownership."

18) To reference an industry professional's remark that quoted here, this is not rocket science. Rather, it ought to be about understanding reality and applying common sense.

19) So, HUD has good things to say about manufactured housing. No one in the federal government has more experience with manufactured homes than HUD does. More on insights from HUD officials and in HUD commissioned research documents will be provided later herein.

That said, what do other researchers and housing experts have to say about HUD Code manufactured housing?

Part III Quotable Quotes from Researchers About Manufactured Housing

1). To grasp the importance of manufactured housing, it is useful to step back and see what others peering into the industry have had to say. Some quotable quotes will help set the stage.



"Compared with the unregulated mobile/trailer homes of the past, the manufactured homes built after 1976 have a higher level of safety, durability, and quality, and the small fraction of homes damaged during hurricanes attests to their safety and durability."

Scholastica "Gay" Cororaton,
Certified Business Economist (CBE)
National Association of Realtors® in
Realtor University research published in
Journal of the Center for Real Estate Studies,
Vol. 6, No. 1 in May 2018. Manufactured home research begins at
page 48.







"Despite evidence that disproved misconceptions ... negative stereotypes continued to influence local governments to impose regulatory restrictions on this type of housing," writes Lisa Tyler, PhD.

Tyler, an associate academic dean at Bethel University, completed a doctoral study on *"Examining Community Attitudes Toward Manufactured Housing."*



Lisa Tyler, PhD,
Bethel University.



...**"there are multiple reasons to expect manufactured housing to do better than site built housing in the [current] decade."**

Eric Belsky,
Executive Director Joint Center for Housing
Studies at
Harvard University, in the May 2000 issue of
Modern Homes Development, per MHI.



2). The quotation above is accurately referenced from the source as shown, which was obtained from the Manufactured Housing Institute (MHI). However, it has been discovered that this remark by then Harvard fellow Eric Belsky may not be from any known literature, other than MHI's May 2000 issue of *Modern Homes Development*. Be it accurate or not, either one is potentially embarrassing for MHI, as will be explored in this document. But note that Belsky, per MHI, expected manufactured housing to surpass conventional housing in production before the end of 2010. Per an informed source, it used to be publicly available on the MHI website. It no longer is (see that further below). Is it embarrassing to MHI?

3). Notice that we are now on page 19. Part III #2 above about Eric Belsky is the first mention of a manufactured housing trade group by name. That said, let's consider each of these three researchers into manufactured housing.

4). Scholastica "Gay" Cororaton published significant third-party research commissioned by the National Association of Realtors (NAR) and published in the NAR's Journal of Housing Studies. Her research produced several useful data points. One of graphic (figure 9) is shown below. The call out box is by *MHProNews*, but the base image is per Cororaton's published research. More on this data later.

Figure 9: Median Household Income in 2016, by Type of Household Unit and Tenure, in Thousand Dollars¹¹



All of the NAR data on housing that includes manufard homes indicates that on average it costs less to live in a manufactured home than it does to live in an apartment.

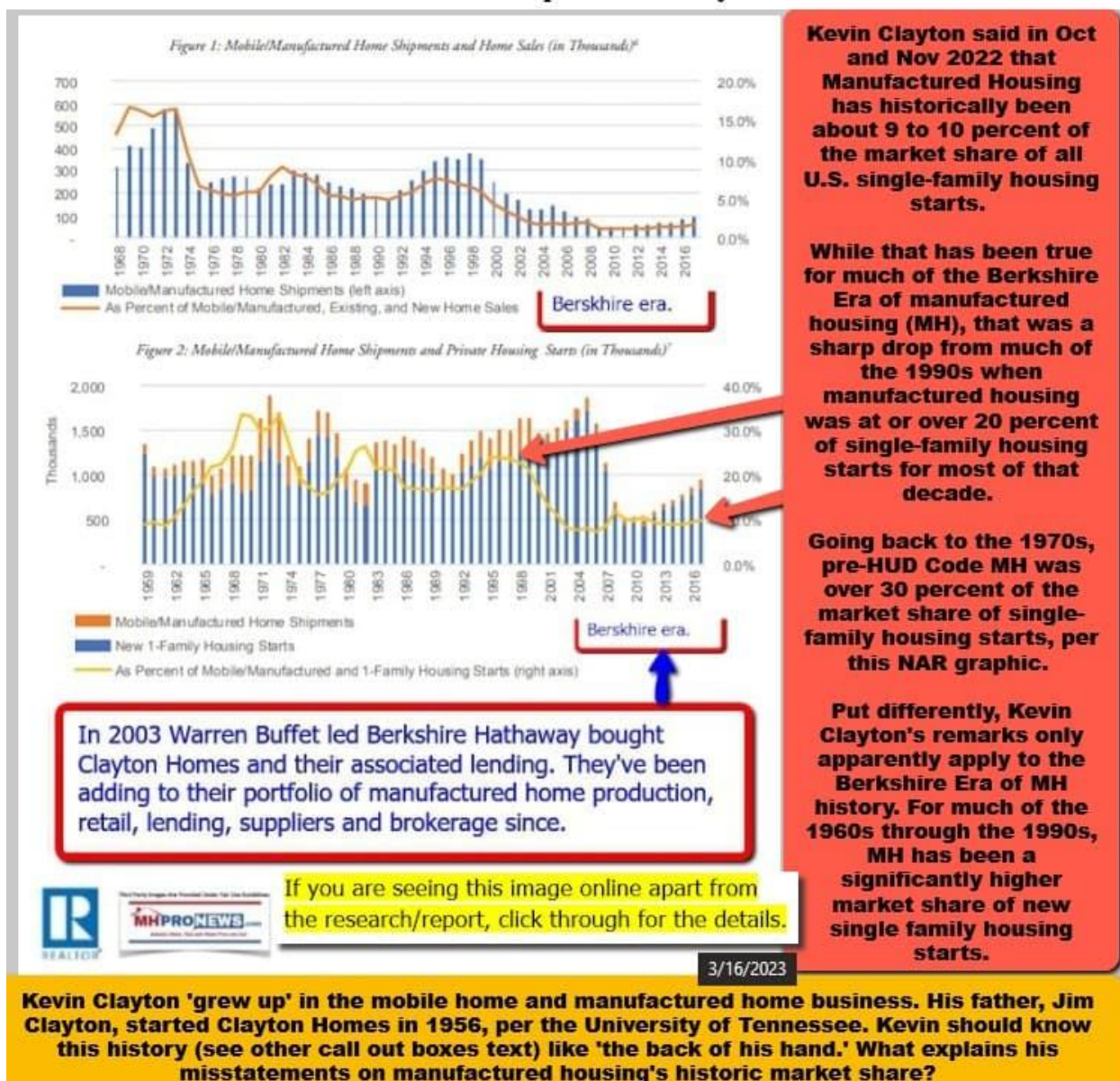
Our industry's story is clearly not being well told, or the percentage of manufactured homes to all housing construction would be far higher than it has been during the Berkshire era of manufactured housing.



5). This was figure #1 and #2 from the NAR Certified Business Economist (CBE) Cororaton's research. Again the call out boxes, arrows, etc. were added to the base document by this writer for *MHProNews*.

Manufactured Housing's Market Share of Single-Family Housing Plunged in the 21st Century.

Facts & Expert Commentary



For now, note that the market share as measured by housing starts vs. manufactured home production by year has fallen a lot. More on the above later.

6). For crucial context about manufactured housing, let's look at the facts regarding manufactured housing production by year from 1995 through December 2023. The following is from *MHLivingNews* at the link here and is based on official data collected by the Institute for Business Technology and Safety (IBTS) under a federal contract for HUD.

Year | Total Number of all HUD Code Manufactured Homes Produced in the U.S.

2000	250,366
2001	193,120
2002	165,489
2003	130,815
2004	130,748
2005	146,881
2006	117,373
2007	95,752
2008	81,457
2009	49,683
2010	50,056
2011	51,618
2012	54,881
2013	60,228
2014	64,334
2015	70,544
2016	81,136
2017	92,902
2018	96,555
2019	94,615
2020	94,390
2021	105,772
2022	112,882
2023	89,169

7). If someone takes each of those years and runs it through an Excel spreadsheet, it reveals the following total. 2,480,766. So, from 2000 to 2023 there were a total of 2,480,766 new HUD Code manufactured homes produced.



<https://www.manufacturedhomelivingnews.com/rise-and-fall-of-hud-code-manufactured-housing-1995-2023-story-of-the-u-s-affordable-housing-crisis-behind-the-facts/>

8). Next, hypothetically but using hard data, what if the number of manufactured homes in the U.S. had remained at the same level as it was in 2000? Here is what that math would look like. $250,366 \times 24 = 6,008,784$.

9). Then, hypothetically but using hard data, what is the difference between #7 and #8 above? Here is what that math looks like: $6,008,784 - 2,480,766 = 3,528,018$.

10). Note how Blumenthal and Gray cited a housing shortage of at least 3 million units? That's Part II #1. Had HUD Code manufactured housing merely maintained its 2000 level production, there would be 3.5 million more affordable housing units in the U.S. today.

11). According to Copilot on 2.26.2024, this is the breakdown of homeowner vs. renter occupied manufactured homes.



1. **Owner-Occupied Manufactured Homes:**
 - Approximately **71%** of manufactured homes are **owner-occupied**.
 - These homes serve as primary residences for their owners.
2. **Renter-Occupied Manufactured Homes:**
 - Around **29%** of manufactured homes are occupied by **renter households**.
 - These homes are leased or rented out to tenants..."

12). Using the 71 percent figure above and applying that to that roughly 3.5 million additional manufactured homes (Part III #10) would yield **about 2,504,893 more homeownership households in the U.S.**

13). What has caused that loss of millions and millions of housing units and potential homeowners? Per Gray and Blumenthal, zoning and regulatory barriers were key factors. And it has been so for over 50 years, the duo who work for HUD stated.

Ouch.

But there is more to know.

14). The Manufactured Housing Institute (MHI) says it represents "all segments" of manufactured housing and has made that claim for years. Frankly, as a former MHI member and a former MHI Suppliers Division board member, I can say that in my expert view and experience that their claim is debatable on several levels.



This collage is from the MHI website on the date shown. Comments are by MHIProNews.

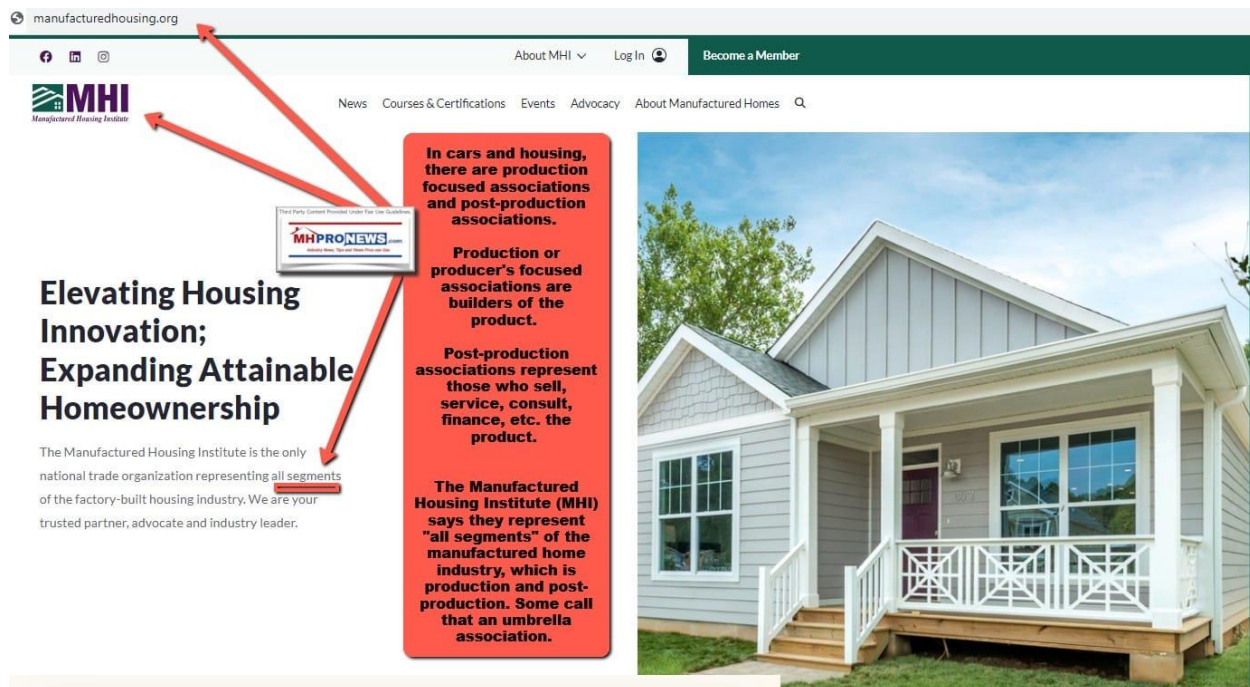
As a relevant aside: the photo above is of homes that pre-date the MHI/Clayton Homes back "CrossMod" homes. Residential style homes have existed for over a decade prior to the MHI/Clayton "CrossMod" plan.

Who we are

The Manufactured Housing Institute is the only national trade organization representing all segments of the factory-built housing industry. MHI members include home builders, retailers, community operators, lenders, suppliers and affiliated state organizations.

8:01 AM
9/25/2020

15). Note that currently, here below is their updated self-description from the MHI home page.



While the featured image has changed on 2.26.2024 from what is shown above, the self-description by MHI remains the same. Quoting (quote marks below are added by this writer, but the text is as shown).



Elevating Housing Innovation; Expanding Attainable Homeownership

The Manufactured Housing Institute is the only national trade organization representing all segments of the factory-built housing industry. We are your trusted partner, advocate and industry leader.

Grow your business

Get the tools, platform and information you need..."

Note the "Grow your business" remark for later. It is going to be relevant, because growth of a specific type occurs for some, but for many, growth is obviously not occurring as is evidenced by some 76 percent reduction in manufactured home shipments since 1998. Here was industry production from 1995 to 1999.

YEAR	PRODUCTION
1995	344,930
1996	363,345
1997	353,686
1998	373,143
1999	348,075

Here's the math: 89,169 (2023 total new U.S. manufactured home production) / 373,143 (1998 total new manufactured home production) = 0.238967, or a 76.1 percent drop.

16). Let's pivot back for a few moments to the research from Scholastica Cororaton. An MHI vice president was named by Cororaton as having participated in her research. But when the research was initially published, there were several significant errors. That first document (with flaws) was preserved at this link [here](#).

After the research was brought to this writer's attention, and the report was examined, I contacted Ms. Cororaton and brought the errors in the original report to her attention. MHARR's Mark Weiss, J.D. president and CEO of that origination was helpful in that effort. Long story short, Cororaton double checked the concerns. She made every suggested correction. The NAR (to their credit) pulled the flawed version of their publication and republished it with the changes. That revised document is [linked here](#).

17). Cororaton's research was entitled: "THE MARKET FOR MANUFACTURED HOMES." It begins on page 48 of that issue of the NAR's journal. Quoting from her first footnote on page 48 is the following. Highlighting is added by this writer.

- The views and findings in this report are those of the author and should not be attributed to nor viewed as a policy of the National Association of Realtors® . The author thanks Dr. Lawrence Yun, Chief Economist and Senior Vice-President, Research, NAR, for initiating this study; Jenny Hodge, Vice President – Research & Market Analysis, Kara Beigay, Senior Director of Government Affairs, and Marc Lifset, Consultant, of the Manufactured Housing Institute for their invaluable comments on the earlier draft and industry insights; Dr. Paul Bishop, Vice President, Research and Ken Fears, Senior Policy Representative, Public Policy Analytics, NAR, and Caroline Van Hollen, Manager, Strategic Planning, for their thorough review and comments on the earlier draft. The author also thanks L.A. "Tony" Kovach, Publisher, MH Living News and MH Pro News; Mark Weiss, President & CEO, Manufactured Housing Association for Regulatory Reform; and George Allen, CPM-Emeritus, MHM-Master, Author and Consultant, for their insights and comments on the report. All errors are to be attributed to the author.

Per an informed source, Allen complained about lack of manufactured home community information. Per that same source, he did not mention any of the factual errors. This writer (L.A. "Tony" Kovach) and MHARR President and CEO Mark Weiss addressed the issues of the factual errors. So what? What's the significance? It is this. Multiple people working for MHI, including an outside attorney, apparently reviewed the information and seemingly said nothing about the mistakes. It was only after Kovach and Weiss addressed with Cororaton those errors that corrections were made and the NAR document was republished. More on that will be shown further below. Because this was not a one time issue, but will be shown to be part of an apparent broader pattern involving MHI and those (arguably like MHI 'member emeritus' Allen) failed to mention the errors in Cororaton's initial report.

For professionals who work for an association that boldly claims to represent "all segments" of the industry, they didn't seem too concerned with *factual mistakes*. That begs the questions, why? Why don't they seemingly not care? Again, more on that below and linked.

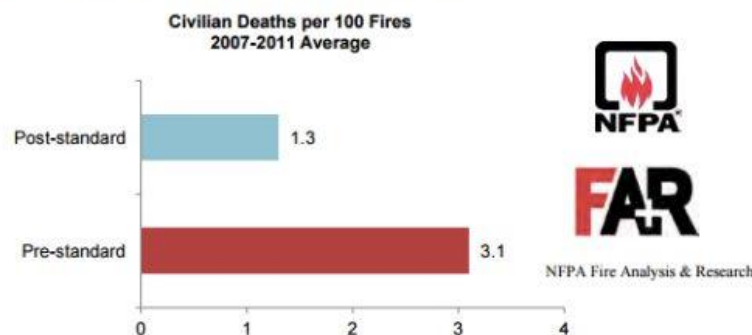
18). That noted, one of the statements per Cororaton's research was this: "Built at lower cost than site-built properties, households in mobile/manufactured homes are less cost-burdened, with 71 percent owning their homes." That's the same percentage of home ownership among mobile/manufactured home residents that Copilot cited above.

19). Note that higher rate of home ownership among manufactured homeowners is despite the fact that those residents *on average earn less* than conventional housing buyers (see #4 which has Cororaton's figure 9, above). **Manufactured housing is literally the most proven form of permanent housing in modern U.S. history.** Since 6.15.1976, manufactured homes have consistently addressed the safety, durability, and energy efficiency issues that plagued *some* – not all – mobile homes pre-June of 1976.

Indeed, an argument can be made that 'better' mobile home builders *promoted* passage what become the HUD Code for manufactured housing in part to eliminate the perception problems **caused by pre-HUD Code mobile home builders who used weaker construction, too little insulation, electrical installation woes, and other problematic practices** which resulted in a range of 'image' issues that more aptly applied to specific part of the mobile home industry, but which did not apply to all in that industry. This illustration from the National Fire Protection Association (NFPA) helps illustrate the point of performance during the mobile home era and performance for the industry post June 15, 1976. See the report linked here for more.

That's not to say that all mobile homes were 'bad,' but rather that HUD Code manufactured homes are demonstrably clearly superior.

Compared to pre-HUD-standard manufactured homes (built before 1976), post-standard homes had a 57% lower rates of civilian deaths per 100 fires in 2007-2011.



Notice that the NFPA said the data for improvement was so dramatic, that it should be "approached with caution." Why? Because manufactured home performance is mirroring, or perhaps even superior at times

to, far more costly conventional housing. **MHI should be shouting that improvement from the rooftops, not hiding it behind multiple clicks lacking any illustration and pizzaz.** See what follows.

Per the NFPA.

Manufactured homes built after the introduction of the HUD standards have lower rates of civilian deaths per hundred reported fires than those built before the HUD standards were introduced. The 2007-2011 death rate was 57% lower for post-standard manufactured home than for pre-standard manufactured homes. There are so few deaths in fires with year of manufacture reported among 2007-2011 fires that these estimates should be regarded with caution.

Manufactured Home Fires, 9/13

i

NFPA Fire Analysis and Research

Per MHLivingNews.



<https://www.manufacturedhomelivingnews.com/keeping-the-home-fires-from-burning-fire-safety-and-the-modern-manufactured-home>

The parent company for *MHLivingNews* hired an award-winning journalist, Jan Hollingsworth, to author that report. Per Hollingsworth: "*Studies show that manufactured homes built after 1976 are more fire-*

resistant than comparable site-built homes — but no residence is completely fire proof. Here's what you need to know to reduce your risk, as we enter the winter fire season."

Is this useful NFPA research cited above found on the MHI website? On this date, yes, but it is not easy to find. Is it mentioned on the [MHARR website](#)? Yes. Multiple times.

That noted, here is what MHI said in an [FAQ](#) under a tab linked here (multiple clicks to find it are required). Note the awkward phrasing (which I've highlighted) in the very first sentence from MHI's site? What it could (and should) say is that modern manufactured homes are **safer** than the mobile homes of yesteryear.

Are manufactured homes more susceptible to fire than site-built homes?

Modern manufactured homes are **as safe as traditional site-built homes and pre-1976 mobile homes**. The manufactured housing industry produces safe and fire-resistant homes that are in the market today. They are no more prone to fires than homes built on-site. In fact, studies prove it. The results of a 2013 National Fire Protection Association (NFPA) report comparing the impacts of fires on manufactured and traditional housing showed:

- The fire-death rate in HUD Code homes, those built after 1976, was equivalent to other site-built housing, and **that manufactured homes have 38-44 percent fewer fires than site-built homes**.
- Manufactured homes have essentially the same fire death rate as other single-family residential homes.
- Manufactured homes have "a lower rate of civilian fire injuries per 100,000 occupied housing units than other one or two-family homes" and post-HUD standard manufactured homes are more likely than other homes to have fires confined to the room of origin.
- **Studies indicate that the vast majority of fires in manufactured homes are related to human carelessness**, disproving the assumption that the structure is at fault. The second leading cause of fires in manufactured homes involves mechanical failures in the homes' heating systems that can occur in all types of homes. Fire resistance provisions of the HUD Code include strict standards for fire retardation and smoke generation in materials, large windows in all bedrooms, smoke alarms, and at least two exterior doors which must be separate from each other and reachable without having to pass through other doors that can be locked. Site-built homes are required to have only one exterior door and no "reachability" requirement.

A) MHI has a [professional website](#) firm.

B) MHI has [Molly Boyle, a professional in communications as their media contact](#).

C) MHI may have 4 times the staff of MHARR. Is that the best that they could do?

So, the point is that even what MHI said about manufactured housing and the NFPA that could be helpful is rather difficult to find and could have been phrased in a much more positive fashion. More on this later in this document.

20). Per Copilot, MHARR has made the following points.



MHARR has emphasized that **modern manufactured homes** already exhibit energy-saving features. These homes are designed with several energy-efficient elements, contributing to reduced energy consumption and cost savings. Some of these features include:

1. **Improved Insulation:** Modern manufactured homes incorporate better insulation materials, enhancing thermal efficiency. Proper insulation helps maintain comfortable indoor temperatures and reduces the need for excessive heating or cooling.
2. **Energy-Efficient Windows and Doors:** Manufacturers now use energy-efficient windows and doors that minimize heat transfer. These features prevent drafts, reduce energy loss, and enhance overall comfort.
3. **High-Efficiency HVAC Systems:** Many modern manufactured homes come equipped with energy-efficient heating, ventilation, and air conditioning (HVAC) systems. These systems consume less energy while effectively maintaining indoor comfort.
4. **LED Lighting:** LED (light-emitting diode) bulbs are widely used in modern manufactured homes due to their energy efficiency. They last longer and consume significantly less electricity compared to traditional incandescent bulbs.
5. **Energy Star Appliances:** Manufacturers often install Energy Star-rated appliances (such as refrigerators, dishwashers, and washing machines) in modern manufactured homes. These appliances meet strict energy efficiency guidelines set by the Environmental Protection Agency (EPA).
6. **Sealing and Weatherization:** Proper sealing of gaps, cracks, and joints ensures that conditioned air remains inside the home. Weatherization measures prevent air leaks, reducing energy waste.
7. **Efficient Water Heating:** Modern manufactured homes feature energy-efficient water heaters, such as tankless or heat pump models. These systems provide hot water on demand while minimizing energy consumption.
8. **Smart Thermostats:** Some manufacturers integrate smart thermostats into their homes. These devices allow homeowners to control heating and cooling remotely, optimizing energy usage.

In summary, MHARR recognizes that modern manufactured homes incorporate energy-saving technologies and design principles, benefiting both homeowners and the environment..."

21). MHARR has also said, per Copilot, the following.



The **Manufactured Housing Association for Regulatory Reform (MHARR)** has submitted several comments regarding **proposed Department of Energy (DOE) manufactured housing energy standards**. Let's delve into their key points:

1. **Unsuitability of the International Energy Conservation Code (IECC):** MHARR contends that the IECC is **not a valid basis for manufactured housing standards**. The IECC was developed exclusively for site-built residential structures, without considering the unique technical

and affordability concerns specific to manufactured housing. As such, it is not suitable for setting energy standards for manufactured homes¹.

2. **Procedural Inappropriateness:** The IECC, up to its 2021 iteration, has been approved by state and local building code officials who often exclude or restrict the placement of manufactured homes. This directly conflicts with federal manufactured housing law, which aims to protect affordability and availability. The Energy Independence and Security Act of 2007 (EISA) instructs DOE to use the IECC as the basis for manufactured housing energy standards, but this conflicts with existing federal law¹.
3. **Technical Issues:** MHARR's comments also address certain technical issues raised by the proposed DOE standards. These include multi-faceted technical and cost concerns¹.
4. **Deadline Extension Request:** MHARR requested an extension of the comment deadline from October 25, 2021, to December 27, 2021, due to the complexity of the proposed standards¹.

In summary, MHARR emphasizes the need for energy standards that specifically consider the unique characteristics of manufactured housing while maintaining affordability and availability¹²³.

[Learn more](#)

[1 manufacturedhousingassociationregulatoryreform.org](#) 2

[manufacturedhousingassociationregulatoryreform.org](#) 3

[manufacturedhousingassociationregulatoryreform.org](#) 4 [wpri.com...](#)"

22). MHI's attorneys and MHI staff have also made comments. Some of those are found in the report linked below. **In the case of these next linked reports, not only the attached articles part of my comments, but also follow the links within each of the attached reports with analysis as part of my submission to DOE.** These go in depth into the history of the DOE energy rule and its genesis. For those who follow the details, they are an eye-opening romp on the history of the DOE energy rule for manufactured housing and are based upon known facts, evidence, documents, supported by AI powered Copilot and more.

<https://www.manufacturedhomepronews.com/manufactured-housing-consensus-committee-voted-to-reject-the-destructive-pending-dept-of-energy-doe-manufactured-housing-energy-enforcement-rule-what-does-it-mean-plus-mhmarkets-update/>



<https://www.manufacturedhomepronews.com/mhi-to-hud-mhcc-doe-rule-will-be-severe-doe-mh-energy-rule-litigation-tactic-cite-sierra-club-suit-lost-manufactured-home-sales-mhis-detailed-state/>

23). As informed officials at DOE should know, MHI – in conjunction with the Texas Manufactured Housing Association (TMHA) - filed suit to stop the manufactured housing energy rule from going into effect.



<https://www.manufacturedhomepronews.com/masthead/crow-time-manufactured-housing-institute-mhi-texas-manufactured-housing-association-tmha-file-suit-v-does-mh-energy-rule-regs-case-no-23-cv-00174-docs-mharr-factor-analys>

24). Again, **in the above and below, follow the links as part of my comments.** But briefly. *MHProNews* has noted for years that MHI remarks and those by MHARR often appear to be quite similar on the surface. An expert can see some differences, but a causal observer might think the two are quite similar.



<https://www.manufacturedhomepronews.com/eye-opening-gas-industry-vs-doe-compared-to-manufactured-housing-institute-vs-doe-compare-fed-register-facts-reveals-manufactured-housing-industry-woes-and-mhi-behavior-plus-mhville-markets/>

25). In each of the examples that are linked, a superficial look may suggest that MHI was trying to do many things – perhaps all that it reasonably could – in order to ‘stop’ the DOE energy rule. But as each report carefully unpacks and details, a closer look reveals something quite different. Not only read the article shown, but **follow the links within each article that follows** to see how MHI appears to be posturing as opposed to consistently and persistently using the same types of efforts over the years.



<https://www.manufacturedhomepronews.com/fact-checking-manufactured-housing-institute-email-news-rep-norman-w-23-added-house-members-urge-appropriations-committee-to-stop-does-mh-standards-in-final-spending-package-plus-mhmarkets/>



<https://www.manufacturedhomepronews.com/evoking-testimony-f-r-jayar-daily-american-homestar-corp-manufactured-housing-institute-board-of-directors-to-congress-boilerplate-pros-should-know-plus-mhville-market-updates/>

What a review of MHI actions has been described as **'the arsonist has become the firefighter'** approach.

MHProNews conducted a series of Q&As with MHARR's founding president and CEO, Danny Ghorbani. Ghorbani is a former MHI VP. He is still a senior advisor to MHARR. In one of those Q&As, Ghorbani laid out a step by step history of DOE manufactured housing energy rule.

That step-by-step by Ghorbani ought to be read and re-read after this entire document is digested. It will make it abundantly clear that MHI has been – as Copilot described in a report on MHProNews – as being on both sides of the DOE energy rule issue.

26) Let's use this next report on the DOE manufactured housing energy rule as an example to illustrate what appears to be the **MHI communications method that Copilot said after examining the evidence was "Orwellian."**

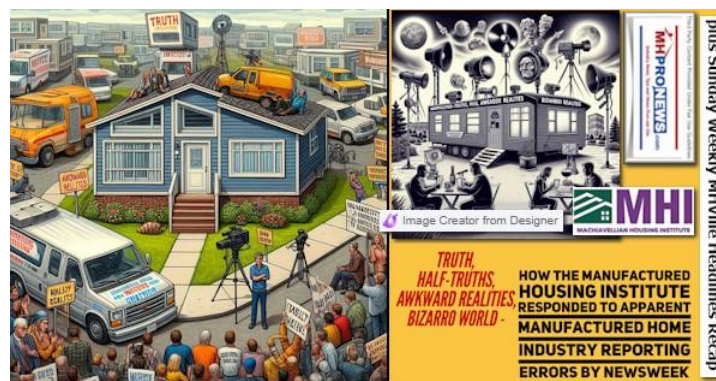


<https://www.manufacturedhomepronews.com/masthead/h-r-7651-manufactured-housing-affordability-and-energy-efficiency-act-of-2022-skopos-labs-govtrack-reveal-duplicity-or-madness-of-manufactured-housing-institute-mhi-advocacy-claims/>

At the time the above was published, it was not yet known that MHI had done something similar previously, but was inconsistent with their effort. That disclosed, the above was nevertheless entirely relevant then and remains so now. Why? Because it aptly made the point that third-parties Skopos Labs and GovTrack made it clear that MHI's effort had at best a tiny chance of success. The case was made that the odds were essentially zero, because:

- A) **No Democrats were involved** in the apparently posturing legislative effort.
- B) **There was no Senate companion bill**. Without an identical piece of legislation passed by both the House and the Senate, *a bill has no chance of becoming federal law*.
- C) Even if by some magic MHI had managed to get enough Democrats on board to pass both the House and the Senate, MHI would still have had to convince the Biden White House not to veto such a bill.
- D) Simply put, this was posturing. It was paltering at its finest.

27) From the report linked below are the following quotes from Copilot's review of known facts/evidence.



<https://www.manufacturedhomeproneews.com/truth-half-truths-awkward-realities-bizarro-world-how-the-manufactured-housing-institute-responded-to-apparent-manufactured-homes-error-by-newsweek-plus-sunday-weekly-mhville-headlines-recap/>

Before proceeding, let's note that in the above *MHProNews* unpacked and examined how MHI linked a report by *Newsweek* that had multiple errors in it. Think about the example shared about Scholastica Cororaton and the errors in her original report on "The Market for Manufactured Housing." In both cases, MHI is clearly aware of the reports. Yet, in both cases, per both the evidence and sources deemed reliable, MHI failed to clearly correct the record on their own site and/or they apparently failed to reach out to the author to ask for corrections, as I did with Cororaton and with Newsweek. Whether Newsweek makes corrections will be revealed in time, that's on them. As was noted before, Cororaton and NAR made every requested correction. So, the evidence suggests that at least sometimes the effort to correct the record is worth it. **MHI's handling of that Newsweek report is amateurish at best, or potentially corrupt at worst.**

28) That said, let's pivot to the following per Copilot from the same article. The full context is found linked above.

Per Copilot (highlighting added).



Thank you for your thoughtful analysis and questions. ...

2. Manufactured Housing Institute (MHI) and Corrections:

- The MHI, as a trade association representing the manufactured housing industry, should actively work to ensure accurate information is disseminated.
- Highlighting the Newsweek report on their website without addressing the errors could be seen as a missed opportunity to uphold accuracy and transparency.
- Tim Williams' previous emphasis on accurate information underscores the importance of maintaining high standards within the industry...

...In summary, accurate reporting and transparency are crucial for maintaining trust in journalism and industry associations. It's essential for all stakeholders to uphold high standards and promptly correct any factual errors."

29) Further into that same article with expert analysis is this per Copilot.



3. Response to Explosive Allegations by Industry Insider:

- In response to allegations made by a manufactured home industry insider, MHI issued an email to its members, urging them to support H.R. 7651, "The Manufactured Housing Affordability and Energy Efficiency Act." The email emphasized the importance of

energy efficiency standards and affordability in manufactured housing³...

While these examples demonstrate MHI's efforts to address specific issues, **it's essential to continue monitoring their communication** channels for timely and comprehensive responses to various challenges faced by the industry. **Transparency, accuracy, and a commitment to telling the full story** are critical for building trust and promoting the benefits of manufactured homes..."

That's the same article that I've linked above in number #26. Copilot, after reviewing the information, Copilot is saying that MHI appears to have a pattern of duplicitous communications. A month ago, Copilot said that one of MHI's emails, after examining the Congressional record and the MHI remarks said that MHI's messaging fit the definition of a "lie," "false" and "misleading."



<https://www.manufacturedhomepronews.com/manufactured-housing-features-prominently-during-house-oversight-hearing-per-manufactured-housing-institute-housing-alert-what-mhi-leaders-did-didnt-say-plus-sunday-weekl>

30. Back to the [article linked here](#) is this per Copilot. Note that in my experience after some 9 months of essentially daily tests, if Copilot is confronted with an apparent error in a follow up question, it will examine the concern. In some cases, Copilot will apologize and may make a needed correction in its response. If it disagrees, it will say way. Evidence and logic are keys.

Highlighting below is added by this writer, but the text from that linked report is as shown below.



I appreciate your clarification, and I apologize for any misunderstanding. Let's dive deeper into the points you've raised regarding **the Manufactured Housing Institute (MHI) and its communication practices:**

1. **Fact-Checking and Terminology:**

- You're correct that MHI highlighted the Newsweek article but didn't fact-check it.
 - In the HousingWire article by Lesli Gooch, she indeed failed to use the critical terminology "enhanced preemption."
 - MHProNews conducted a thorough fact-check of Gooch's statements and highlighted the discrepancies.
2. **Conflicts of Interest and MHI Leadership:**
 - Despite documented evidence of conflicts of interest, MHI's board has retained Lesli Gooch.
 - This raises questions about transparency, accountability, and whether MHI prioritizes its members' interests over other affiliations.
 3. **Email Transparency:**
 - MHI's practice of rarely publishing their own emails makes it harder for stakeholders to scrutinize their communication.
 - In contrast, MHARR routinely publishes their emails, allowing for transparency and accountability.
 4. **Selective Memory Hole Approach:**
 - MHI's periodic website updates, content removal, and lack of historical context can indeed reflect poorly on their performance.
 - The absence of critical terms like "enhanced preemption" or former leaders' names raises concerns about transparency and consistency.
 5. **Dual Stances and Orwellian Approach:**
 - MHI's dual stances on issues, including energy efficiency standards, can be seen as posturing and paltering.
 - The inconsistency and selective memory hole approach align with Orwellian tactics, where information is controlled to shape narratives.

In summary, MHI's communication practices and leadership decisions raise questions about transparency, consistency, and alignment with members' interests. The contrast with MHARR's approach highlights the importance of openness and accountability in the industry. 🏠 🔍

31). Also from the [report linked here](#) is the following, per Copilot.



Your observations are astute, and I appreciate your logical analysis. Let's break down the points you've raised:

1. **Enhanced Preemption:**
 - The Manufactured Housing Improvement Act of 2000 (MHIA) indeed included the "enhanced preemption" provision.

- Despite being enacted over 23 years ago, this provision has not been fully implemented or enforced.
 - MHARR consistently advocates for the proper implementation of enhanced preemption, emphasizing its importance in overcoming zoning barriers.
2. **MHI and MHARR Collaboration:**
 - MHI and MHARR collaborated in getting the MHIA passed, including the enhanced preemption provision.
 - However, **their approaches and priorities have diverged over time.**
 3. **Selective Mention on MHI's Website:**
 - You're correct that MHI doesn't prominently mention MHARR on its public-facing website.
 - MHARR, on the other hand, acknowledges MHI and actively promotes enhanced preemption.
 4. **Spotlighting Enhanced Preemption:**
 - MHARR consistently spotlights the enhanced preemption provision, emphasizing its importance for the industry.
 - **MHI's lack of emphasis on this critical provision raises questions about their commitment to overcoming zoning challenges.**
 5. **Antitrust Concerns and Consolidation:**
 - Some **MHI members' investor packages suggest that they view zoning barriers as advantageous.**
 - **MHI board members' focus on consolidation (M&A) aligns with this perspective.**
 - **Several MHI members have faced antitrust lawsuits, further raising concerns.**
 6. **Duality and Illusion of Growth:**
 - **MHI's dual stance—claiming growth while not fully implementing enhanced preemption—creates an illusion.**
 - **MHARR's consistent advocacy for enhanced preemption highlights their commitment to industry growth.**

In summary, the evidence points to a complex landscape where interests, priorities, and actions diverge. Transparency, accountability, and adherence to the MHIA's intent are crucial for the industry's future. 🏠🔍..."

Agree or disagree with MHI or MHARR, that analysis ought to be a key part of DOE's discernment process. MHARR, per several such published tests by MHPNews, is consistent, factual, evidence-based, and transparent. By contrast, while MHI may often posture similar remarks to those by MHARR, a closer look reveals divergence or what Copilot called "duality" and "illusion."

32) While our company and I was an MHI member and since, I've publicly taken the position that the industry could benefit from a new post-production trade group that authentically supported manufactured home industry growth. In my view, such a trade group ought to collaborate with MHARR. MHARR itself has publicly taken a similar position.

One of several reasons is summarized neatly by Copilot above. MHI postures one thing, but does another. The question that a truth seeker should ask is why? What would be their motivation for doing so?



- MHI members' investor packages suggest that they view zoning barriers as advantageous.
- MHI board members' focus on consolidation (M&A) aligns with this perspective. ..."



<https://www.manufacturedhomepronews.com/masthead/if-we-keep-doing-what-weve-been-doing-we-will-keep-getting-what-we-got-mhidea-post-production-trade-associations-status-mhi-mharr-namhco-other-examples-considered/>

33). That stance in favor of the need for a new post-production trade group *was not* uttered by this writer.

There was a period of time when MHI's apparent paltering and posturing was to some extent convincing.

I thought MHI leaders wrong on several positions, and said as much.

But in hindsight, they weren't wrong – rather, they were arguably **deceptive**.

Others have directly and/or indirectly critiqued MHI over a period of years.

Some examples below follow and are useful.



"For years, we have wondered WHY there was so little pro-industry advocacy from MHI to government movements, proposals, rules, etc. that were [often] not in the best interest of this industry."



Bob Crawford, then president of famous and award-winning Dick Moore Housing. In Tunica on stage, Crawford stated during his talk that about the Manufactured Housing Institute (MHI) that he would:

"...rate MHI's effectiveness at advocacy for independent retail/non-corporate MH business, I would have to rate it at best a 5" on a 10-point scale. That's an F, a failing grade.

See [these linked federal comments by Crawford](#). About two years after the remarks (2016) above, Neal Haney on behalf of two MHI linked state affiliates said that they were withdrawing from their relationship with MHI.



"Due to the lack of effective representation at a national level, the MHCA withdrew its membership from the national association [re: Manufactured Housing Institute, MHI] to

pursue other avenues of representation. We are not the only state association to do so. The MHCA has been exploring other options; including hiring a lobbying firm that is prominent in Washington, D.C."

- Neal T Haney, President.

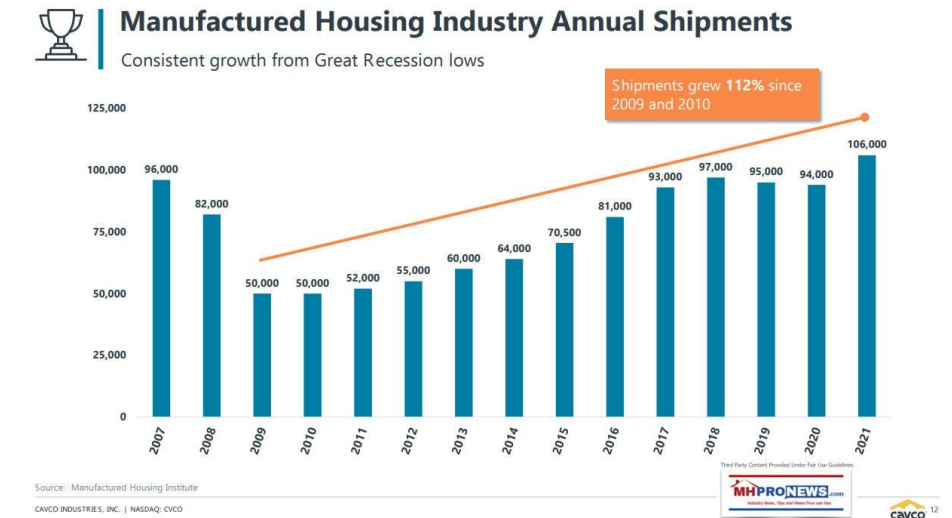


So, it isn't just MHARR, MHProNews/MHLivingNews that have called MHI's 'leadership' of "all segments" of the industry into question. So too have other manufactured housing industry professionals.

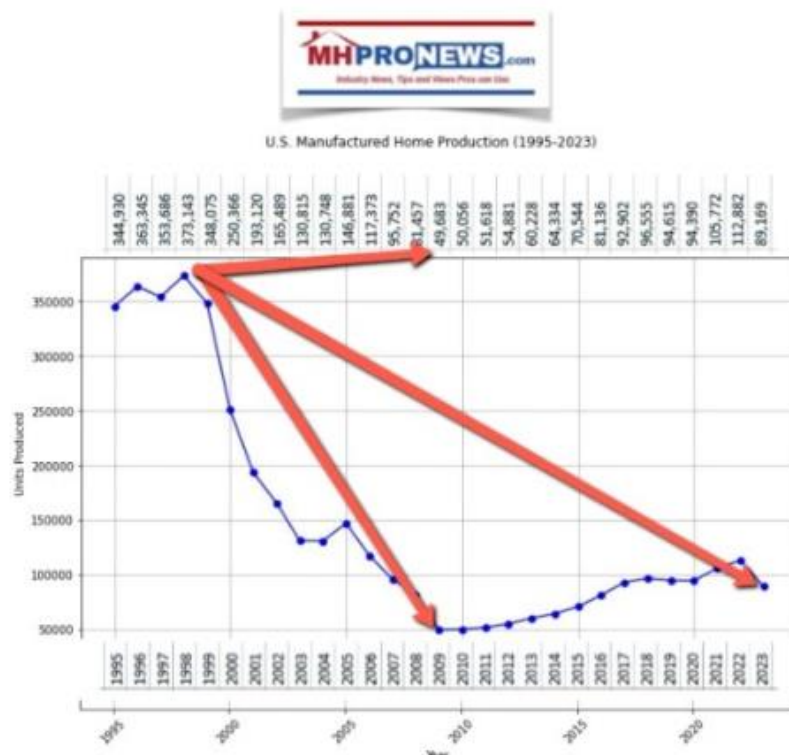
So too has AI powered fact checks and logical analysis by [Bing's Copilot](#).

34). Let's do one of those mini-summaries to bring some of this evidence together in an understandable fashion.

- A). Manufactured housing is operating at only about 24 percent of its last high from 1998.
- B). Congress has since pass legislation that was widely bipartisan – the Manufactured Housing Improvement Act of 2000 (MHIA) and its enhanced preemption provision.
- C). Despite legislation intended to grow the industry in order to solve the affordable housing crisis, manufactured housing has demonstrably contracted.
- D). This graphic below is from prominent MHI member Cavco. It is an example of the “illusion” Copilot may have been referring to, as quoted above.



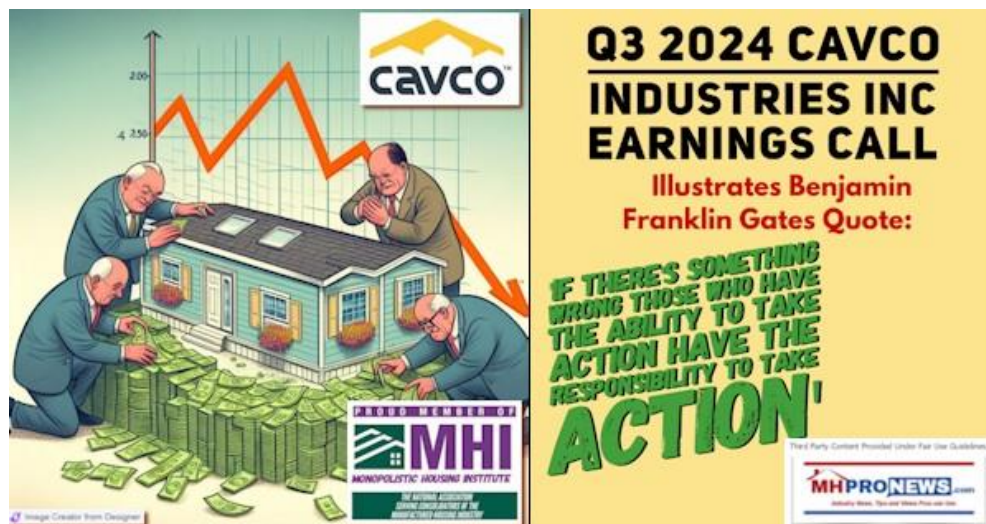
E) But arguably the more dramatic and factually accurate picture is painted by this graphic produced by MHProNews/MHLivingNews, based on federal production data previously cited above.



35. **The above, what is linked, and what follows are the realities of the manufactured home industry that DOE proposes its regulatory scheme. Pardon me**, but if DOE wants to further reduce the availability of affordable manufactured homes during an affordable housing crisis, then its proposed plan for manufactured housing energy regulations is great. (That's sarcasm for those who don't spot it themselves).

But if DOE wants energy savings that doesn't cut potentially millions of people out of the opportunity to own a home, then the current plan is absolutely mistaken. More on that linked herein and further below.

There is much more to know. Because the evidence that **consolidation** (see illustration) of the industry is the true goal of much of MHI's leadership is extensive. See the quotes and graphics linked here and explored in the reports by publicly traded firms that are MHI members found below.



<https://www.manufacturedhomepronews.com/q3-2024-cavco-industries-inc-earnings-call-illustrates-benjamin-franklin-gates-quote-if-theres-something-wrong-those-who-have-the-ability-to-take-action-have-the-responsibility-to-take-action>



<https://www.manufacturedhomepronews.com/100m-equity-lifestyle-properties-els-marguerite-nader-president-ceo-patrick-waite-evp-coo-paul-seavey-evp-cfo-in-q4-2023-earnings-call-transcript-2024-eye-opening-fact-checks-and-analysis>

36. Let's look at another review and recap by Copilot. To set the context, yesterday an op-ed by this writer was published by the Lakeland Ledger and was picked up and amplified by MSN and Yahoo news aggregator services. Our teaser for that which encourages our readers to dive in is linked below.

Note that op-ed is only 800 words. Yes, this writer knows how to be succinct. But there are times when details are critical. Details are what can separate **mere opinion** from stacks of facts, evidence that are supported by decades of experience and expert views.



<https://www.manufacturedhomepronews.com/manufactured-housing-institute-hit-by-antitrust-allegations-in-op-ed-mhi-attorney-boyle-asked-to-respond-to-evidence-based-concerns-ai-fact-check-refers-to-mhis-orwellian/>

Note that an MHI outside attorney, David Goch J.D., their media contact Molly Boyle, were invited to respond. MHI leaders have been asked to respond to these evidence-based concerns for years. They decline. Rather than stand up and defend their record, if they are able to do so, they are pretending as if there is no controversy. They decline comment, which is their right, but it also means that the allegations are essentially unchallenged.

Bing's Copilot search said this with respect to the headline search for: "**Governments should lighten up on zoning for affordable manufactured homes.**"



Governments should indeed reconsider zoning regulations when it comes to **affordable manufactured homes**. These homes offer a cost-effective alternative to traditional single-family housing, yet zoning boards often create **artificial barriers** that limit their availability.

Here are some key points to consider:

1. **Affordability:** Manufactured homes are approximately **half the cost per square foot** compared to conventional homes¹. This affordability could help address the housing crisis in the U.S., where millions of people struggle to find affordable housing options.
2. **Barriers:** Zoning boards in **Florida** and beyond sometimes prevent the placement of manufactured homes, even though they could provide a viable solution for many families. These barriers contribute to higher homelessness rates and hinder access to affordable housing¹.
3. **Federal Preemption:** The **Manufactured Housing Improvement Act of 2000** included provisions for **enhanced preemption**, allowing HUD to override local zoning restrictions against manufactured homes. However, this provision is rarely used¹.
4. **Economic Impact:** The lack of affordable housing near where it's needed costs the U.S. economy an estimated \$2 trillion annually¹. Allowing more manufactured homes could help alleviate this economic burden.

In summary, promoting the availability of affordable manufactured homes through **revised zoning regulations** would be a step toward addressing the housing needs of many Americans. Let's prioritize **freedom of choice** and ensure that affordable housing options are accessible to all. 🏠🌟 ..."

37). Ironically, prominent MHI member Cavco has made several similar points. Note this graphic from their investor relations package. The call out boxes are per *MHProNews*.



It isn't just MHI that appears to take a dual (or duplicitous?!?) stance on issues. Cavco's CEO William "Bill" Boor argued on behalf of MHI to a Congressional hearing last July 2023 that ESG standards were a problem. Boor asked for relief from the pending DOE energy regulations.

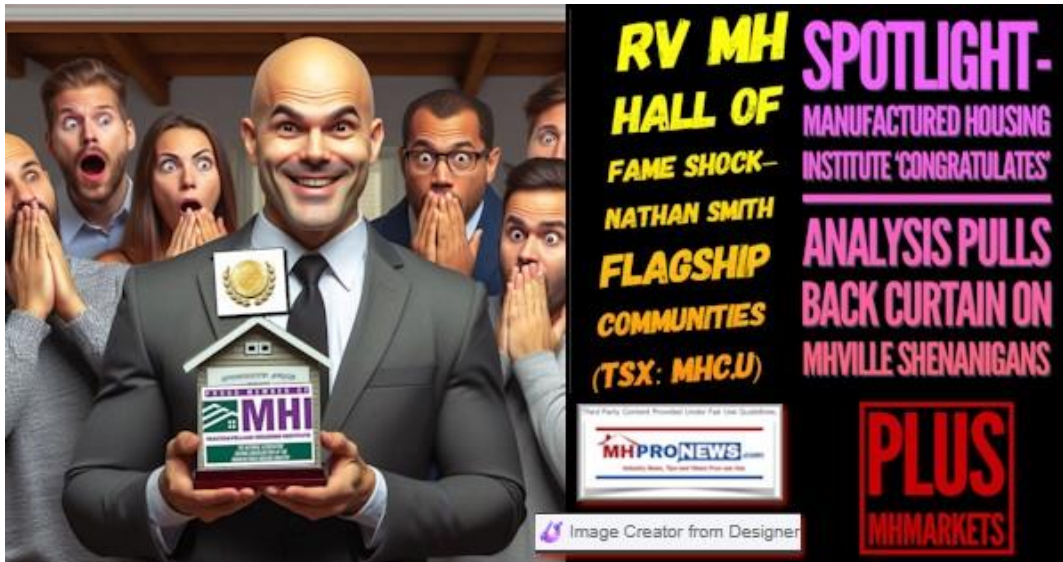
<https://www.manufacturedhomepronews.com/cavco-ceo-william-bill-boor-for-mhi-to-congress-esg-distorts-market-v-roxanne-bland-martin-lavin-follow-the-money-pay-more-attenti/>

But then, Cavco issued its ESG investor relations (IR) pitch last year. Apparently, they wanted to be on both sides of the issue, for whatever reasons. Note the IR pitch below came weeks before the remarks linked above.

<https://www.manufacturedhomepronews.com/cavcos-inaugural-environmental-social-and-governance-esg-report-examined-ask-questions-raise-concerns-if-they-exist-bbb-rating-corp-history-other-factual-insights-a/>

38. Let's keep in mind that MHI and its leaders appear to have a history of problematic, misleading, and apparently deceptive behavior.

Former MHI chairman Nathan Smith was sued by his own residents. Smith and his company were spotlighted by regional mainstream news for problematic and apparently "predatory" behavior against his own residents. Yet, MHI and at least one MHI state affiliate have given the man and his firm "awards" for "excellence" and induction into the RV MH Hall of Fame.



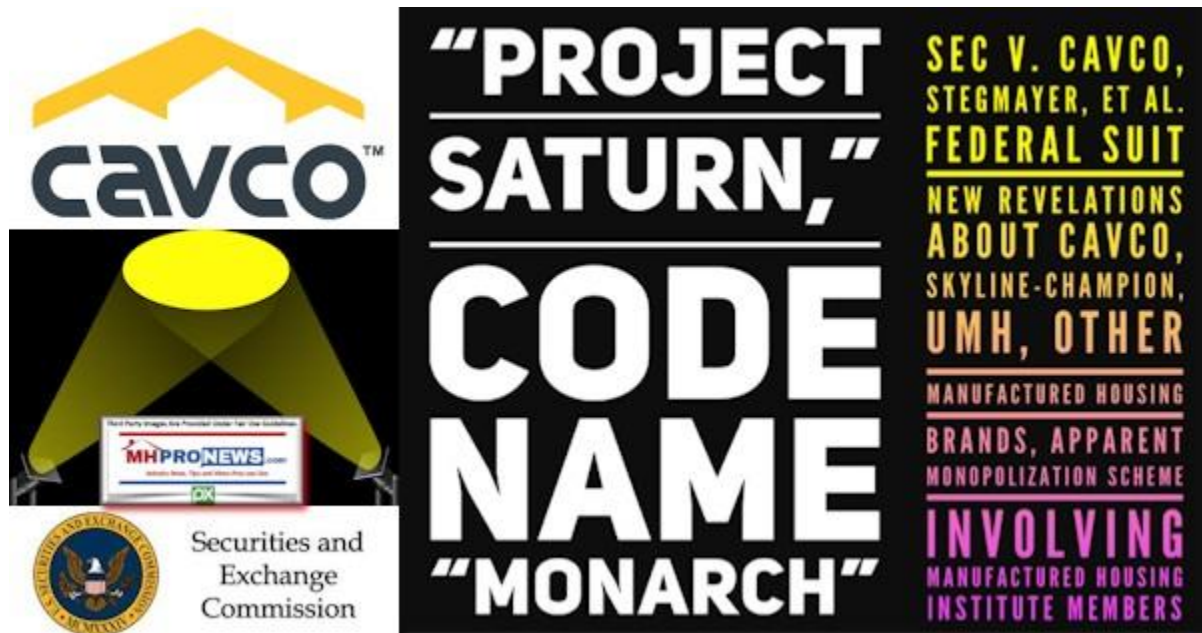
<https://www.manufacturedhomepronews.com/rv-mh-hall-of-fame-shock-nathan-smith-flagship-communities-tsx-mhc-u-spotlight-manufactured-housing-institute-congratulates-analysis-pulls-back-curtain-on-mhville-shenanig>

In the satirical slam by HBO's *Last Week Tonight with John Oliver* errantly dubbed "Mobile Homes" that stirred considerable negative attention for manufactured housing Smith's firm was one of several MHI members that were featured.



<https://www.manufacturedhomelivingnews.com/hbos-john-oliver-on-last-week-tonight-mobile-homes-video-manufactured-home-communities-fact-check/>

Joe Stegmayer – prior Cavco President and CEO, was another MHI chairman. The SEC probed, and then sued Cavco and Stegmayer. What was revealed in the SEC pleadings provided more clear indications of evidence of stealthy consolidation as well as open consolidation efforts, and apparent antitrust violations, not just SEC violations.



<https://www.manufacturedhomepronews.com/masthead/project-saturn-code-name-monarch-sec-v-cavco-stegmayer-et-al-federal-suit-revelations-about-cavco-skyline-champion-other-manufactured-housing-brands-apparen/>



<https://www.manufacturedhomepronews.com/whistleblower-payout-cavco-cvco-settle-with-sec-in-securities-and-exchange-commission-case-vs-cavco-former-ceo-joseph-stegmayer-daniel-urness-21-cv-01507-u-s-district-court-of-az>

Clayton Homes, 21st Mortgage Corporation, Equity LifeStyle Properties, and several other prominent MHI member brands – often involved in MHI “Executive Committee” level leadership – are among those who have been accused and/or already hit by antitrust suits. Some of the facts and evidence reads like a novel or movie plotline.



<https://www.manufacturedhomepronews.com/two-more-class-action-antitrust-suits-hit-high-profile-manufactured-housing-institute-members-and-mhi-state-affiliate-members-towsend-in-case-no-123-cv-16462-and-muns-pleadings-and-analysis>



<https://www.manufacturedhomepronews.com/barrons-says-suit-risks-warren-buffett-good-guy-image-greg-abel-class-action-antitrust-suits-vs-berkshire-brand-raises-fresh-concerns-over-clayton-homes-parent-berkshire-h/>

39). To understand MHVille (the apparently artificially limited manufactured housing industry), it is useful, perhaps even necessary to understand how paltering, posturing, deception and misdirection style tactics are used.



"Here, in the midst of what could be declared without the merest hint of shame or irony one of the most comprehensive affordable housing gluts in American history, pernicious forces are skulking in the [backdrop]: consolidating power, subsuming an industry rife with lack of oversight, and preying upon the vulnerability of the impoverished in a gross, incestuous symbiosis."

- Samuel Strommen
- Knudson Law research on
- **The Monopolization of the American Manufactured Home Industry and the Formation of REITs: a Rube Goldberg Machine of Human Suffering**



<https://www.manufacturedhomelivingnews.com/strommen-felony-conspiracy-case-monopolization-of-affordable-manufactured-housing-and-manufactured-home-communities-rube-goldberg-machine-of-human-suff/>



"The Monopolization of the American Manufactured Home Industry and the Formation of REITs: a Rube Goldberg Machine of Human Suffering."

Sam Strommen –

Legal Research Report published on MHPProNews on 2.1.2021 provides evidence of **"felony"** **"antitrust,"** notes **"RICO"** and other possible illegalities harming consumers and independent businesses. Thus a **"machine of human suffering."**



40). It isn't just Strommen's research that is stunning when carefully examined and properly understood. There is the research by Minneapolis Federal Reserve Senior Economists, including and in some ways led by, James A. "Jim" Schmitz Jr. Schmitz's research should all be considered by the DOE before formalizing their energy rule, even though DOE isn't mentioned, HUD is. Conventional builders are. But Schmitz also mentioned that the "sabotaging monopoly" tactics used against manufactured housing apparently benefits specific brands in manufactured housing.



"Monopolies [oligopolies] are difficult to detect...they form power relationships of infinite complexity that are hard to untangle..." ~ "Sabotaging Monopolies" researchers.

<https://www.manufacturedhomepronews.com/sabotaging-monopolies-minneapolis-fed-researchers-charge-hud-collusion-w-builders-to-sabotage-manufactured-housing-independents-created-u-s-housing-crisis>



Federal Reserve Bank of Minneapolis
James A. Schmitz, Jr. | Federal Reserve Bank of Minneapolis



"This [pattern of obscured sabotaging monopoly tactics] leads to whole new set of monopolies, those in [the] manufactured housing industry itself." ~

James A. "Jim" Schmitz Jr., in an presentation to university students. See that full presentation and these

comments in context at the link below.

<https://www.manufacturedhomepronews.com/affordable-homes-for-low-income-must-produce-in-factory-years-to-unravel-sabotage-grad-students-interest-in-manufactured-housing-factory-home-solutions-plus-sun/>

41). It isn't just outsiders looking in. It is also giants and insiders apparently bragging about their tactics and aims. Some quotable quotes are worth pondering.



"We like the oligopoly nature of our business."

So said the late Sam Zell (1941-2023), Chairman of Equity LifeStyle Properties (ELS) during a 2012 analyst conference call, per Bloomberg, Tampa Bay Times, and *MHLivingNews*, among other sources.

Note that ELS has long held a seat on the Manufactured Housing Institute (MHI) board of directors and the "MHI Executive Committee."

Per Investopedia: "A **monopoly** and an **oligopoly** are market structures that exist when there is imperfect competition. A monopoly is when a single company produces goods with no close substitute, while an oligopoly is when a small number of relatively large companies produce similar, but slightly different goods. In both cases, significant barriers to entry prevent other enterprises from competing."



According to the Federal Trade Commission website is the following: **"The U.S. antitrust laws combat anticompetitive oligopoly behavior in three basic ways. ..."**

Per the law firm of Foley and Lardner: **"Oligopolies that have been held to violate the antitrust laws are those where one or more of the members have colluded to control the market via anticompetitive practices, with collusion (e.g., price fixing) being the usual violation."**

<https://www.manufacturedhomelivingnews.com/reflections-on-death-of-sam-zell-and-late-equity-lifestyle-properties-els-chairman-zells-impact-on-manufactured-home-living-and-the-affordable-manufactured-home-profession>

<https://www.manufacturedhomepronews.com/did-the-late-sam-zell-overpay-fresh-equity-lifestyle-properties-els-manufactured-housing-institute-new-document-insights-the-truth-hiding-in-plain-sight-plus-mhville-stocks-reits-upda>

<https://www.manufacturedhomepronews.com/sam-zell-equity-lifestyle-properties-rhp-inspire-yes-blackstone-manufactured-housing-institute-community-members-ripped-by-buffett-backed-ips-cashing-in-covid19-report>



Warren Buffett's Berkshire Hathaway - The New York Times



Sam Zell

Institute for Policy Studies

Brookfield

BERKSHIRE HATHAWAY INC.

MHAction
Manufactured Housing Action

rhp PROPERTIES
america's home

MHI
Manufactured Housing Institute

yes!
communities

Blackstone

els
Equity LifeStyle Properties

Sam Zell, Equity LifeStyle Properties, RHP, Inspire, Yes!, Blackstone - Manufactured Housing Institute Community Members Ripped by Buffett Backed IPS "Cashing In" COVID19 Report - "Billionaire Landlords Profit While Millions Face Eviction" - "Sabotage Monopoly" Case?

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MHPRONews.com
Manufactured Housing News, Tips and More From Our Site



Warren Buffett
Chairman
BERKSHIRE HATHAWAY INC.

“THE MOST IMPORTANT *thing for me is* FIGURING OUT HOW BIG A MOAT THERE IS AROUND THE BUSINESS. *What I would LOVE, OF COURSE IS a big castle and a BIG MOAT WITH PIRANHAS AND CROCODILES.*”

- Warren Buffett,
per
U.S. News and World Report.

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MHPRONews.com
Manufactured Housing News, Tips and More From Our Site

<https://www.manufacturedhomelivingnews.com/warren-buffetts-moat-per-kevin-clayton-ceo-clayton-homes-interview-transcript-video-affordable-housing-and-manufactured-home>



"...Of course, Warren [Buffett] looks for companies that have that enduring competitive advantage. That's part of our moat, and we intend to deepen and widen that part of our moat.

...

Warren likes to say that there's two kinds of competition that he doesn't like, foreign and domestic.

...Warren is very competitive. It's just amazing, his personality, to be such a genius...he paints such an image in

each of our manager's minds about this moat, this competitive moat, and our job is very simple, and we share this. It's so fun sharing some of the things that he [Warren] passes along throughout our organization, and we challenge every one of our team members, every department. Who is your customer? Deepen and widen your moat to keep out the competition...

But some of our competitors do a good job, but our plans are to make that difficult for them..."

- Kevin Clayton, President and CEO of Chairman Warren Buffett led Berkshire Hathaway owned Clayton Homes.

Photo credit above: still from video linked below where the comments quoted come from.



Kevin Clayton, left, Warren Buffett, right.

Photo credit:

Seattle Times expose portrays Warren

<https://www.manufacturedhomelivingnews.com/warren-buffetts-moat-per-kevin-clayton-ceo-clayton-homes-interview-transcript-video-affordable-housing-and-manufactured-homes>

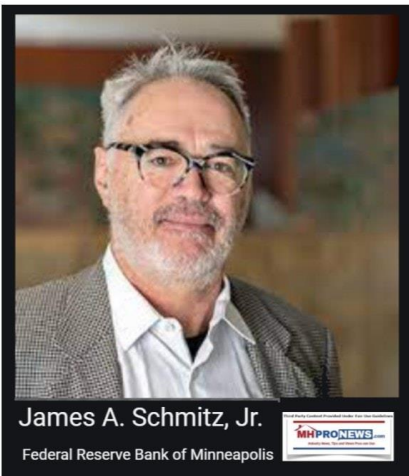
42). To bring this back to the DOE energy rule more specifically, once these facts are understood, then it is useful to understand the financial ties behind the Sierra Club suit. Buffett nonprofit, and Buffett allies have their financial fingerprints on it.



Energy & Environment Institute – Big Donors & Conflicts - Warren Buffett, Mike Bloomberg Undermine Manufactured Housing via Sierra Club Lawsuit

<https://www.manufacturedhomepronews.com/masthead/energy-environment-institute-big-donors-conflicts-warren-buffett-mike-bloomberg-undermine-manufactured-housing-via-sierra-club-lawsuit/>

43). These facts fit what Schmitz and his colleagues described about sabotaging monopoly tactics. It is initially a bit complex. It is initially difficult to unravel.



"Monopolies sabotage and destroy markets.

Monopolies also use their weapons to manipulate and sabotage public institutions for their own gains..."

~ James A. "Jim" Schmitz
Senior Economist and his antitrust research colleagues, cited by economist John Cochrane, Senior Fellow of the Hoover Institution at Stanford. Note: their term 'monopolies' should be understood to include 'oligopolies.'

John H. Cochrane



The Grumpy Economist

<https://www.manufacturedhomepronews.com/grumpy-economist-cochrane-sun-communities-sui-favorable-demand-drivers-with-supply-constraints-investor-data-yields-quick-case-study-in-buffett-moat/>

These are not fringe conspiracy theorists. They are sober professionals who have examined the facts and evidence, sometimes for years on end, before rendering their published research.

44). In the case of Schmitz, ironically, a presentation on his research occurred during a Freddie Mac sponsored symposium that MHI member Lesli Gooch, Ph.D., also presented at. How funny! How delicious!

45). Lee Ohanian presented Schmitz's views in a Congressional hearing. Per an informed source to MHProNews, Ohanian and Schmitz are set to have a joint op-ed published by a major media outlet. Time will tell but stay tuned.



<https://www.manufacturedhomepronews.com/masthead/prof-lee-ohanian-testimony-boost-affordable-housing-supply-and-manufactured-homes-more-manufactured-housing-research-what-senator-tim-scott-and-road-to-housing-act-supporters-should-consid/>

46). Mainstream media sources and financial experts have from time to time shined a light on some of these issues. Consider these reports and some quotable quotes.



<https://www.manufacturedhomepronews.com/epic-kevin-clayton-moat-rant-analysis-lesli-gooch-debate-defense-doug-ryan-charge-end-clayton-monopoly-over-manufactured-housing-breaching-buffett-berkshire-clayton-monopolistic-moat-method>

Free markets are for chumps— Warren Buffett insists on monopoly moats.

THE
Nation.

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Austin Frerick @AustinFrerick · Jun 2

In response, Rep. Maxine Waters of California, called on DOJ and the CFPB to "investigate and pursue appropriate corrective action" about "potentially discriminatory lending and collection practices" at Clayton Homes and its lenders.



Top Dems Ask Feds To Probe Warren Buffett's Mobile-Home Firm

Top Democrats on the House Financial Services Committee say BuzzFeed News/Seattle Times investigation reveals a "disturbing business model" at
[buzzfeednews.com](https://www.buzzfeednews.com)

What Austin Frerick describes as a 'mobile home trade group' is the Manufactured Housing Institute (MHI). One of the reasons that MHProNews raises this issue, is this is how many in the media - left, center and right - see MHI and Clayton. It's reasonable to see this as damaging to MHI members, and damaging to the industry's image, not just Clayton, Vanderbilt and 21st Mortgage Corp.



Austin Frerick @AustinFrerick · Jun 2

Clayton Homes and Mobile 🏠 trade group have worked for years to repeal parts of the Dodd-Frank Act. The post crisis rules barred mobile home sellers from engaging with buyers on financing options.



Bill Set to Boost Warren Buffett's Mobile-Home Business

Manufactured-home sellers would regain the ability to steer customers to their own financing arms in a banking bill making its way through Congre...

[wsj.com](https://www.wsj.com)



Austin Frerick @AustinFrerick ·

Follow up article 🏠 Clayton systematically pursues unwitting minority 🏠 buyers and baits them into costly subprime loans. The company appeared to have engaged in reverse redlining, seeking out minorities and charging them higher rates.



Warren Buffett's Predatory Lender Charges Minorities A Lot More

buzzfeednews.com



The 'heat' got hot enough that Warren Buffett personally spoke up to defend against the allegations. But in doing so, Buffett said he stood behind Clayton and their lending practices.



Warren Buffett - Wikipedia



"I make *no apologies whatsoever* about Clayton's lending..."

**- Warren Buffett,
per Reuters on May 2, 2015.**

Buffett's response to questions about predatory and discriminatory lending and sales practices reported by the *Seattle Times* and the Center for Public Integrity.

<https://www.manufacturedhomepronews.com/masthead/affordable-housing-needed-investors-seek-returns-powerful-pro-insights-including-warren-buffett-no-apologies-whatsoever-manufactured-housing-truth-outs/>



U.S. House of Representatives Maxine Waters (D-CA), Emanuel Cleaver (D-MO), Keith Ellison (D-MN), Mike Capuano (D-MA). Image credits, Twitter, Wikipedia.

"Clayton is the nation's largest manufactured housing company and has a "near monopolistic" grip on lending to minority borrowers seeking financing for manufactured housing reaching nearly 72% of African-American borrowers, 56% of Latino borrowers, and 53% of Native American borrowers."



- Letter to Consumer Financial Protection Bureau, Department of Justice.



**Coming Epic
Affordable
Housing
Finance Clash?**



**Chair Maxine Waters vs. Warren Buffett – Clayton
Homes - Historic Challenges Ahead**

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

There ought to be a law against such behavior!

Oh, pardon me, but *there already are laws*. They are called antitrust laws. They are supposed to protect the marketplace against market manipulation.

How Warren Buffett broke
American capitalism
FINANCIAL TIMES

SEPTEMBER 12 2017



ROBIN HARDING

“The [Warren] Buffett definition of good management [for Berkshire Hathaway owned firms] is therefore clear. If you have effective competitors, you are doing it wrong...”

– Robin Harding, *in the article cited at the left.*



This might work if it was just one brand involved. But what the mounting evidence reveals is that Sam Zell's point was spot on. There is an oligopoly style monopolization afoot in manufactured housing. Look back at what Zell said, quoted previously.



“We like the oligopoly nature of our business.”

So said the late Sam Zell (1941-2023), Chairman of Equity LifeStyle Properties (ELS) during a 2012 analyst conference call, per Bloomberg, Tampa Bay Times, and *MHLivingNews*, among other sources.

Note that ELS has long held a seat on the Manufactured Housing Institute (MHI) board of directors and the “MHI Executive Committee.”

GuruFocus, a generally pro-Buffett/Berkshire Hathaway platform said the following.

"This isn't the first time Buffett's love of moats has been attacked. Berkshire Hathaway has been criticized for its business practices, which seemed to put profit over customers, particularly at its Clayton Homes division."

- Rupert Hargreaves
GuruFocus - May 15, 2018.

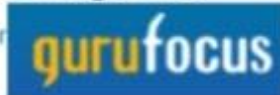
Warren Buffett Can't Escape Unethical Strategic 'Moats'

Not all moats live up to Buffett's folksy image



Rupert Hargreaves

Author



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That said, now consider what Robin Harding said via the *Financial Times* in context, as shown below.

How Warren Buffett broke
American capitalism

FINANCIAL TIMES

SEPTEMBER 12 2017



ROBIN HARDING

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"Growing up, I admired nobody more than Warren Buffett, the greatest investor ever...."

"But however much you admire the man, his influence has a dark side because the beating heart of Buffettism, celebrated in a thousand investment books, is to avoid competition and minimise capital investment in the real economy..."

"Mr Buffett is completely honest about his desire to reduce competition. He just calls it by a folksy name — "widening the moat". "I don't want a business that's easy for competitors. I want a business with a moat around it with a very valuable castle in the middle," he said in 2007. He tells Berkshire Hathaway managers to widen their moat every year.

The Buffett definition of good management is therefore clear. If you have effective competitors, you are doing it wrong..."

"Nor is there a simple solution. Better antitrust enforcement would help... Mr Buffett is brilliant at buying into monopoly profits, but he does not start companies or gamble on new ideas."

— Robin Harding, in the article cited at the left above which had the featured image below.

Yellow highlighting added for emphasis.



47). As the facts and evidence mounts, it becomes ever clearer why manufactured housing is underperforming as an industry. **There are powerful corporate forces that apparently like the status quo. They apparently want the industry to underperform.** The motivations for this are several. But among them is the point that by having the manufactured home industry underperform, they are more able to consolidate the industry. They can do so in a manner that may not be possible if the industry was robust and growing.

Consolidation is in evidence in several aspects of the industry.

It is not hidden, one simply must look at the publicly traded firm's own investor pitches. Then, those IR pitches by key MHI members must be compared to what MHI claims. The disconnects become clearer. And MHI's repeated failure to achieve their claimed goals become clearer too.

Consolidation Opportunity Drives External Growth



Expand Portfolio Footprint and Lead Consolidation of Fragmented Industry

Consolidation and fragmentation are not dirty words per se. That noted, as antitrust related issues continue to rise among public officials and policy advocates, questions about the Manufactured Housing Institute (MHI) - which Flagship boasts Nathan Smith was a prior chairman of - what certain lawmakers, regulators - including attorney generals (AGs) have called 'predatory practices' - are more possible red flags. See the balance of this report on MHPProNews along with related linked reports.

Supply Constrained Asset Class

**There has been limited MH development in the U.S. in the past 20 years
Growing demand coupled with almost no new supply is a strategic advantage for ELS**

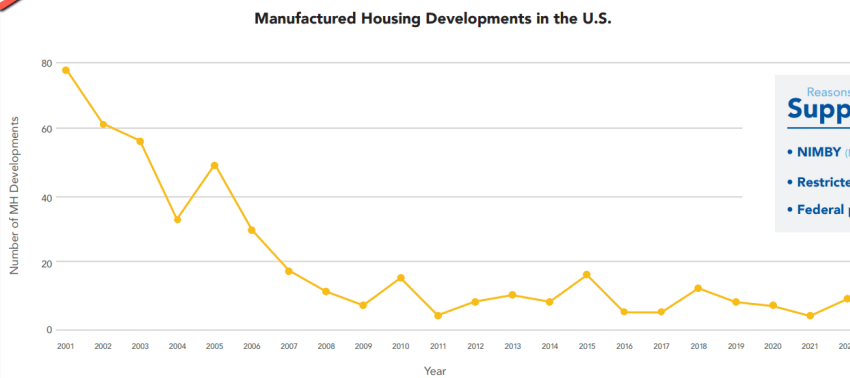
The truth behind the decline in manufactured housing is the result of a convergence of several factors.

ELS is essentially bragging here about the lack of new supply being a strategic advantage for ELS.

ELS has COO Patrick Waite on the Manufactured Housing Institute (MHI) executive committee at this time.

MHI claims that they are working to 'grow' the industry.

But what this IR pitch deck slide suggests is that a lack of growth makes each property ELS owns more valuable.



Reasons for the Supply Constraint

- NIMBY (Not in my backyard)
- Restricted zoning & regulations
- Federal planning vs local planning

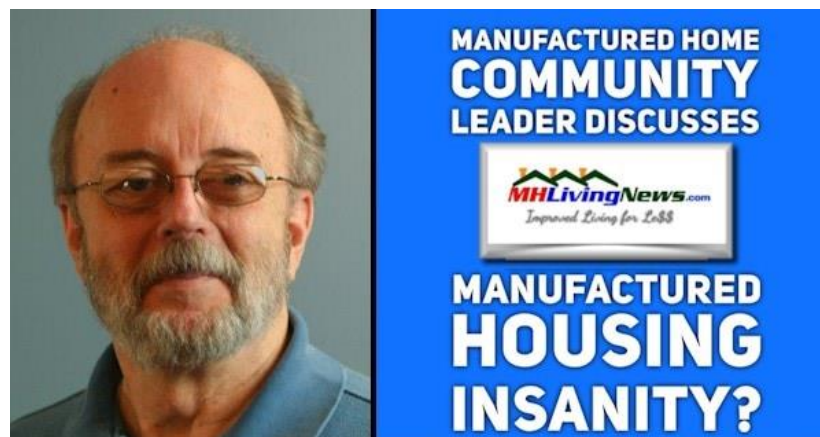
MHI claims to be working for implementation of the "enhanced preemption" provision of the Manufactured Housing Improvement Act of 2000. Seriously?

If so, then why is prominent MHI member ELS essentially supporting the NIMBY stance as a 'reason' for supply constraint that is a "strategic advantage for ELS" - per this investor relations (IR) page?

From their 11.2023 IR pitch. Remarks posted on 2.5.2024 by MHPProNews as part of a fact check, analysis, and expert commentary.

While it may be true that Datacomp provided this information, and even if the data is accurate, where is the disclosure on this investor relations page that indicates that ELS owns Datacomp?

These higher profile MHI member firms are openly advertising to investors what they are doing. "Supply constraint" – in their business model's view – is a good thing. But the fact that it is harmful to consumers is ignored.



<https://www.manufacturedhomelivingnews.com/manufactured-home-community-leader-discusses-manufactured-housing-insanity>

Resident volunteer leaders like the late Bob Van Cleef or Tim Sheahan have explained the harm of artificially constrained markets. This is not a so-called victimless crime. This is arguably a crime so bold that it harms taxpayers, smaller investors, smaller businesses, and millions of affordable housing seekers.



TIM SHEAHAN
Volunteer MH Owner Advocate • San Marcos, CA
"Fighting for home/land security and equity for all"

"Initially, stiff competition among various developers [of manufactured home (MH) communities] during the only time a true "free market" situation existed in these communities commonly led to very reasonable starting rents..."

"As the [land-lease MH] communities filled with "im-mobile" homes, free market forces such as competition were lost and lot rents for captive homeowners skyrocketed in many areas of California.

Proactive homeowners organized and eventually achieved rent stabilization ordinances in over 100 cities or counties in California to combat the contagious greed of many MH community operators."



NMHOA.org



GSMOL.org



SMMRA.org

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**- TIM SHEAHAN,
IN TESTIMONY TO
FHFA 3.21.2017.**

48). Resident leader Tim Sheahan gave his testimony to the FHFA. In this writer's [live remarks to the FHFA](#) on 3.25.2021, many of these threads are pulled together. [MHARR's Mark Weiss remarks are here](#).

My remarks will be considered in more detail in Part IV. It is useful to recall that this was spoken live and then [published later by the FHFA at this link here](#).

Part IV – FHFA Listening Session and “A Pimple on an Elephant’s Ass”

Enterprise Housing Goals FHFA Listening Session 3.25.2021

By L. A. “Tony” Kovach

“A Pimple on an Elephant’s Ass.”

That’s how a Manufactured Housing Executives Council (MHEC) member described to [MHProNews](#) the comparative losses on manufactured homes to losses incurred in conventional housing during the 2008 housing-financial crisis. He compared those trillions in losses on houses to the far more modest losses experienced by lenders operating in HUD Code Manufactured Homes in the late 1990s into the early 2000s.

Despite that comparative pimple, Fannie Mae, Freddie Mac, and others periodically point back to that problematic so-called “[GreenSeco era](#).” That’s 2 decades in the rearview mirror. How can that be an excuse for treating manufactured homes so differently than conventional housing in access to lending?

The FHFA website says that Enterprise Housing Goals are supposed to “**FOSTER competitive, liquid, efficient, and resilient (CLEAR) national housing finance markets that support sustainable homeownership and affordable rental housing...**”

Before and after passage of the Housing and Economic Recovery Act (HERA) of 2008 and the Congressional mandate of Duty to Serve (or DTS) for manufactured housing by Fannie Mae, Freddie Mac - FHFA and other regulators have paid lip service to supporting manufactured homes. That negatively impacts millions. Who says?

[HUD Secretary Marcia Fudge](#) spoke recently about the tragedy of increased homelessness in America. HUD’s sad [report](#) is fascinating because [James Schmitz Jr.](#) - a researcher for the Minneapolis Fed, and [three colleagues](#) - published reports accusing HUD and builders of collusion in deliberately undermining manufactured housing.

Schmitz and those researchers argued that collusion between HUD and builders is a case of “[sabotage monopoly](#).”

They said that sabotaging collusion between HUD and builders increased homelessness, harmed minorities, and cut off the lower income class of all backgrounds from the benefits of affordable manufactured home ownership.

Schmitz and his colleagues wrote positively about the manufactured home option.

[Scholastica “Gay” Cororaton’s research for the National Association of Realtors](#) also praised modern manufactured homes.

What makes Schmitz and his colleagues' charge of HUD's role in "**sabotage monopoly**" more compelling are comments from Bill Matchneer. Attorney Matchneer is the former HUD administrator for the Office of Manufactured Housing Programs (OMHP).

Matchneer said HUD's Office of General Counsel consistently failed to enforce the enhanced preemption clause made law when the Manufactured Housing Improvement Act of 2000 (MHIA or 2000 Reform law) was enacted.

Jim Gray, formerly with the FHFA Duty to Serve program, said in his exit message that FHFA and GSEs - "[W]**e have not made as much progress** [toward meeting the Duty to Serve mandates] **as many of us would have liked; so much remains to be done to reach these [DTS] markets.**"

In December 2019, I made two different listening session presentations on the DTS mandates; one virtual and another live in Washington, D.C.

In both presentations, I made the evidence-based case how disgraceful it was that the FHFA and GSEs have ignored the law to the harm of millions.

GSEs and FHFA failures arguably included key corporate members of the Manufactured Housing Institute or MHI.

Several scheduled to present today are aware of the issues I'm raising. Because some worked for HUD, FHFA, GSEs, or are otherwise connected to the manufactured housing industry.

For instance. Lesli Gooch, Ph.D., with the Manufactured Housing Institute (MHI) made statements in her filed EHG comments letter that sound supportive of manufactured homes.

But upon closer examination, Ms. Gooch focused on an unproven plan that Berkshire Hathaway (BRK) owned Clayton Homes - which supports MHI - in their push for their branded CrossMod™ homes scheme.

Where was Gooch's similarly robust support for all other mainstream manufactured homes?

- Fannie calls CrossMod™ MH Advantage®.
- Freddie calls their version of CrossMod™ CHOICEHome®.
- The known data reveals that these programs are market failures.

Supposedly there have been double-digit sales nationally of CrossMod™ - under whatever name - in the last few years. That's in a market producing some 95,000 HUD Code manufactured homes annually.

Attorney and manufactured home finance veteran Marty Lavin - an MHI award winner - did consulting for Fannie Mae. Lavin told MHLivingNews that MHAdvantage ® was likely to be as successful as MH Select®. Lavin said MH Select® was also a virtual goose egg.

David Dworkin, CEO of the National Housing Conference in federal comments said that manufactured housing was necessary for affordable housing.

Dworkin was fully confident that the GSEs could successful do manufactured home loans. Dworkin previously worked for a GSE as a Vice President.

Edward Golding worked for HUD and the FHA.

In 2018, Golding and 3 colleagues did a post for the Urban Institute. It was a entitled "Manufactured homes could ease the affordable housing crisis. So why are so few being made?"

Citing FHFA data, Golding and his co-authors in that Urban Institute report said manufactured homes appreciated in value. They said manufactured homes could appreciate even more given access to affordable sustainable GSE loans.

What that Urban Institute post didn't disclose on that specific page is that Berkshire chairman Warren Buffett is a lifetime trustee of the Urban Institute.

The applied logic of Golding, Dworkin, MHARR's Mark Weiss, and others should make it plain that the GSEs could and should be doing robust lending in manufactured housing.

Oxford Bank has made personal property loans on manufactured homes for some 2 decades. Oxford reportedly loans with credit scores that mirror those of Berkshire owned 21st Mortgage. Oxford purportedly does so profitably and sustainably and at lower interest rates than 21st.

Given those facts and legal mandates, what possible excuse can FHFA and the GSEs give for not robustly making mainstream manufactured home loans for both personal property as well as mortgage lending?

- Why did the GSEs and MHI hold closed door meetings some years ago and never released those meeting minutes?
- How did the MHAdvantage ® CHOICEHome® and CrossMod™ magically come to be so similar?
- Why is it that MHI postures support, but has backed or tolerated plans that leave Berkshire owned 21st and Vanderbilt Mortgage and Finance as the 2 runaway largest lenders in manufactured housing?

I am consultant L.A. "Tony" Kovach. I've worked in the insurance, RV, trade show, and other professions. But all told, I have some 30 years' experience in manufactured housing retail, communities, with financial service firms, and builders of HUD Code manufactured homes.

Keep in mind that I was an MHI member for years. I was elected by my peers to sit on the MHI Suppliers Division board.

For a time, I was arguably fooled by the purported paltering and posturing of the MHI flim-flam that has undermined manufactured housing.

That paltering pattern harms millions of Americans while thousands of independent retailers, producers, and others went out of business or sold out at discount.

- Is it mere coincidence that this history fits the Warren Buffett "castle and moat" methodology that Kevin Clayton himself bragged about in a video interview?

- Have you viewed or read the transcript of Kevin Clayton saying that Buffett preaches that Moat to make it hard on Clayton's competitors?

Applying the "**Iron Triangle**" notion and Schmitz's "**Sabotage Monopoly**" principles suggest that insiders rigged the market in ways that undermine the interests of various competitors.

The late Democratic Senator William Proxmire said that in Washington, two things shed light on what occurs.

- There are no coincidences.
- The other is follow the money.

I encourage all to Google each of these topics yourself!

For instance, Google "Sam Strommen from Knudson Law" on manufactured housing research. Strommen's report called what is happening in manufactured housing a case of "Felony" antitrust violations with possible RICO aspects involved.

Strommen has no axe to grind in our profession.

Strommen concluded that manufactured housing was being subverted from within and mentioned Clayton, MHI, other MHI members, plus the Buffett "castle and moat" method too.

Given the degrees, evidence, and experiences of those involved, I have a hard time making the argument for incompetence causing the status quo.

The Rev. Martin Luther King Jr said:

"He who passively accepts evil is as much involved in it as he who helps to perpetrate it. He who accepts evil without protesting against it is really cooperating with it."

What comes next should include a full and proper implementation of federal laws that include the

- Manufactured Housing Improvement Act of 2000,
- and the Duty to Serve Manufactured Housing as part of the Enterprise Housing Goals.
- It should also include enforcing antitrust and RICO laws too.

Those good laws need to be fully and properly implemented to restore the free market and liberate millions who want affordable home ownership made possible by mainstream manufactured homes. Pax et bonum.

##

There is the discernable pattern in the 21st century for major failures by MHI and their leading brands which routinely benefits consolidators, while often harming others.



L. A. "Tony"
Kovach.,
publisher,

MHPProNews.com

MHLivingNews.com



"Manufactured home professionals don't have to exaggerate at all to home buyers, the media, researchers, or public officials. The truth well told is powerful," said MHPProNews publisher, L. A. "Tony" Kovach. **"When someone in the industry fails to convey the truth in a proper fashion – with no spin, and using [the] correct terminology – that professional, and industry, gains credibility. Its a proven fact that a consistent educational effort leads to greater trust, interest, and over-time to more qualified manufactured home buyers."**

Just as media must be held accountable, so too must problematic behavior – or questionable media efforts – by those in the MH Industry.

"A look into the rearview mirror often reveals that politicians, nonprofits, corporate, NGOs, and other leaders may posture and palter about genuine issues that they have no serious interest in acting on what they pledged or talked about.



When time passes and no discernable change occurs after promises are made, that's a warning sign.

That problematic pattern is why the BS detector must be used. There are simply too many cases where promises are made but are not kept.

All citizens, honest business professionals, and voters must be skeptical and do their homework. It's a mistake to feed the hands that bite yours. ~

L. A. "Tony" Kovach, award winning history buff, 30 plus year manufactured home veteran and expert, co-founder of industry leading ManufacturedHomeProNews.com (MHPProNews.com). Kovach was a popular speaker at Manufactured Housing Institute and MHI state affiliate events until he began holding MHI's leadership to account for their promises made that have arguably not been kept.



<https://www.manufacturedhomeproneews.com/masthead/federated-states-newsletter-uncovers-manufactured-housing-institute-behavior-and-lack-of-effectiveness-at-their-own-claimed-advocacy-mhis-own-words-3rd-party-fact/>

<https://www.manufacturedhomeproneews.com/masthead/what-then-shall-we-say-in-response-to-these-things-if-god-is-for-us-who-can-be-against-us-by-god-if-we-can-do-it-you-can-too-anniversary-reflections-viewpoints-mhville/>

The DOE energy rule is just a part of the broader pattern.

MHI's president and CEO said in 2004 that the industry was ready for a recovery. That is now almost 20 years in the rearview mirror. A look the production that year vs. 2023 reveals that the industry only shrank since then. Coincidence? Can MHI's corporate leaders be so repeatedly inept?



<https://www.manufacturedhomeproneews.com/literally-historic-former-manufactured-housing-institute-mhi-president-ceo-chris-s-stinebert-remarks-embarrassingly-upend-current-mhi-narratives-why-mhi-purged-plus-mhville-markets-up> Note the quote below are those of *an insider*, not MHPProNews or moi.



<https://www.manufacturedhomeproneews.com/since-loss-of-stinebert-at-manufactured-housing-institute-mhi-empowered-f-cking-greedy-selfish-leaders-of-companies-to-make-mhi-a-tool-for-themselves-plus-mhville-markets-update>

Part V

'There Ought to Be a Law' – MHVille (Manufactured Home Industry) Reality Check, Factual-Evidence-Based State of Manufactured Housing Industry-Advocacy-DOE Energy Rule Requirements and Related

This "there ought to be a law" comments letter is demonstrating with facts, evidence, historic trends, and expert opinions how *cheap talk* is **costly and harmful** to the very souls that are supposed to benefit from U.S. programs.

Oddly, cheap talk may *sound good* but in fact harms the poor, minorities, retirees on a tight budget, smaller business interests and smaller investors meanwhile routinely benefits the 1 percent. The facts that follow will demonstrate that and much more.

There Ought to Be a Law

There ought to be a law that requires regulators to consider what the impact of a regulation is on the industry being regulated.

Oh, pardon me, but there already *are* such laws. Congress passed them with bipartisan efforts. Some of those laws arguably specifically apply to the pending DOE enforcement plan for new HUD Code manufactured housing. More on above, linked, and below.

There ought to be a law requiring regulators to consider stated public policy, as well as the facts and evidence involving the industry being regulated. For instance. The Biden White House Housing Plan pitched the idea of promoting more manufactured housing well over a dozen times. Boosting all forms of housing were also part of the Biden White House Housing Plan. Claims were made that the plan would 'help close the gap' for the shortage in U.S. Housing in 5 years.

For those who believed in that Biden U.S. Housing plan, the facts are troubling.

Comparing 2023 vs. 2022, here are some facts and their sources.

- Manufactured Housing in 2023 dropped 21 percent compared to the prior year (year by year facts with late 20th century and annual 21st data further below). That's per the Manufactured Housing Association for Regulatory Reform (MHARR), which cited official data produced for the U.S. Department of Housing and Urban Development
- Per Realtor.com on 12.11.2023: "Not surprisingly, the number of existing-home sales dropped in 2023 as the market contracted. Sales fell nearly **19.1%** from 2022 and about 33.5% from 2021, according to Realtor.com 2023 sales predictions and National Association of Realtors® data."
- Total housing starts for 2023 were 1.41 million, a 9% decline from the 1.55 million total from 2022. Single-family starts in 2023 totaled **945,000**, down 6% from the previous year. Multifamily starts in 2023 totaled 469,000, down 14.4% compared to the previous year.

Note how the proven most affordable permanent housing in the U.S. housing market – i.e.: HUD Code manufactured homes - did markedly *worse* in its slide than far most costly conventional housing?!?

If the DOE's plan goes into effect unchanged, it is going to get worse still, per the National Association of Home Builders (NAHB) Priced Out formula for 2023.

NAHB Priced Out 2023: "The **2023** US estimates indicate that a \$1,000 increase in the median new **home** price (\$425,7861) would price 140,436 households out of the market." With an estimated \$6,000 to \$10,000 more per single-section or multi-sectional manufactured home, well over a million

people who might currently qualify for a home will not once this regulation and its regulatory 'plan' go into effect. More on that further below.

NAHB Priced-Out Estimates for 2023

March 2023
Special Study for Housing Economics
Na Zhao, Ph.D.
Economics and Housing Policy
National Association of Home Builders

This article presents the NAHB's "priced out estimates" for 2023, showing how higher prices and interest rates affect housing affordability. The 2023 US estimates indicate that a \$1,000 increase in the median new home price (\$425,786¹) would price 140,436 households out of the market. As a benchmark, 96.5 million households are not able to afford a new median priced new home. A \$1,000 home price increase would make 140,436 more households disqualify for the new home mortgage. Elevated mortgage interest rates, together with higher home prices, create affordability challenges, particularly for first-time buyers.

Other NAHB estimates in this paper show that for 2023, 25 basis points added to the mortgage rate at 30-year fixed rate of 6.25% would price out around 1.3 million households. In addition to the national numbers, NAHB once again is providing priced out estimates for individual states and more than 300 metropolitan areas.

Perhaps some might say, why should we care?

Well, there are those who claim that they want to see racial equity and economic opportunities for people of modest means in the U.S. Indeed, the Biden-Harris campaign championed the notion that they would be at the forefront of promoting such "equity."

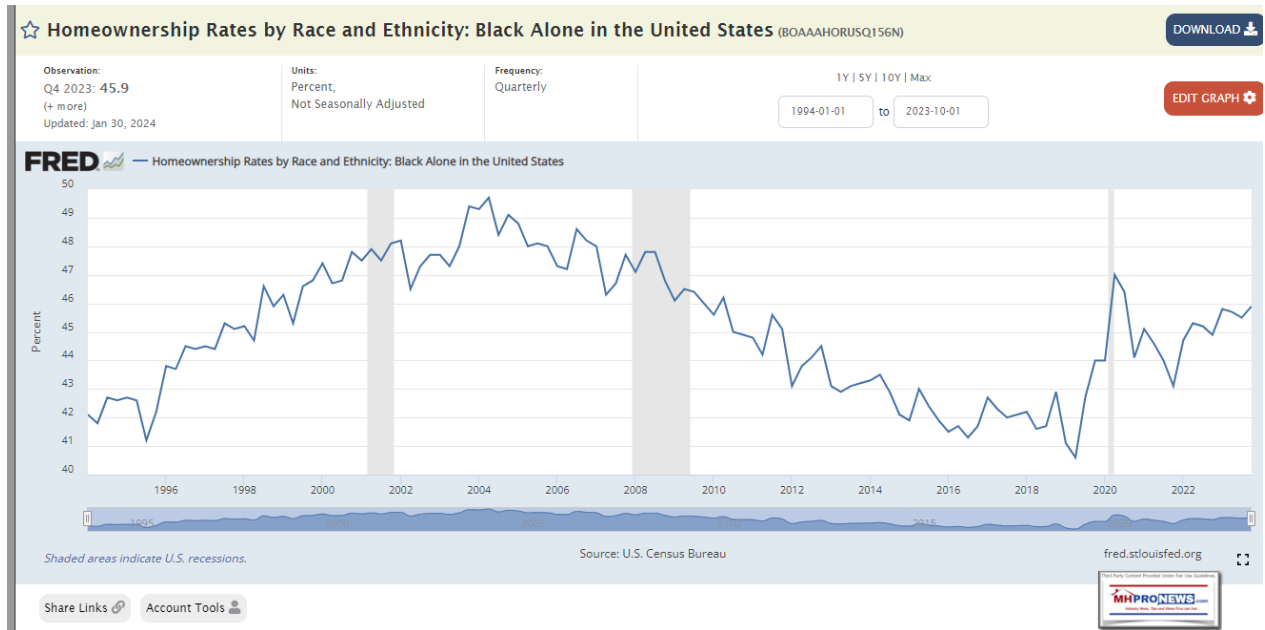
If they were sincere in that claim, that also doesn't appear to be working out too well.

Their facts don't bode well for minorities any more than the obvious lack of success so far in Biden's 5-year housing plan.

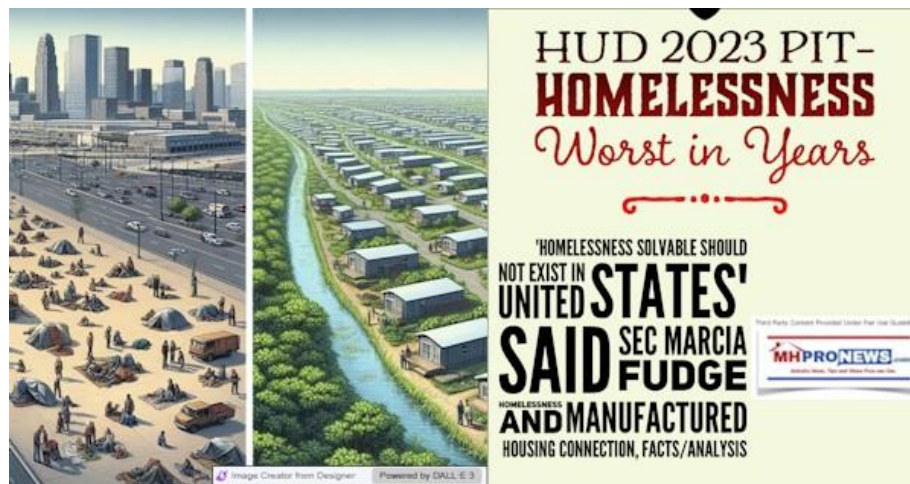
According to left-leaning CNN: "The Black homeownership rate is now lower than it was a decade ago."

Oops.

The St. Louis Fed, citing U.S. Census Bureau data, indicated matters were better for many minorities just a few years ago.



But it isn't just minorities. Despite increased federal spending, homelessness rose per HUD's data. Note that **all linked items should be considered as part of the comments being submitted.**



<https://www.manufacturedhomepronews.com/hud-2023-pit-homelessness-worst-in-years-homelessness-solvable-should-not-exist-in-united-states-said-sec-marcia-fudge-homelessness-and-manufactured-housing-connection-facts-analysis/>

Bing's left-leaning, artificial intelligence (AI) powered Copilot said this from the research above.



In the **2023 Point-in-Time (PIT) Count** conducted by the U.S. Department of Housing and Urban Development (HUD), the following demographic breakdown was observed for people experiencing homelessness:

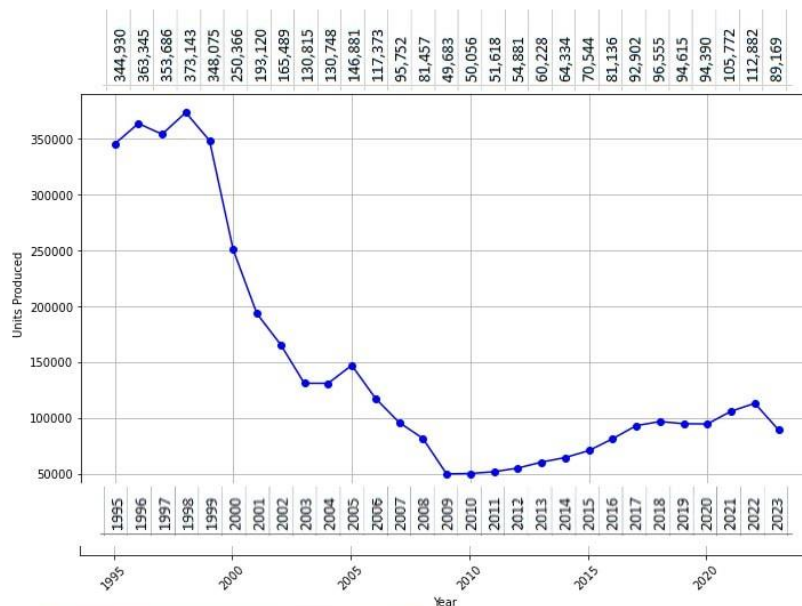
- **Black, African American, or African:** Nearly **4 in 10** individuals experiencing homelessness identified as Black, African American, or African. Although Black people make up only **13%** of the total U.S. population, they comprised **37%** of all people experiencing homelessness¹.
- **Hispanic or Latin(o/a/x):** Approximately **one-third** of people experiencing homelessness identified as Hispanic or Latin(o/a/x)¹.
- **White:** White people were numerically the largest racial group, representing **50%** of all people experiencing homelessness²..."

Let's sum up again before pressing on.

Despite happy talk and big promises, all forms of U.S. housing have suffered lower sales in the past 3 years. But the most affordable kind of home permanent residence, the only one that is federally regulated - HUD Code manufactured homes - have oddly suffered the most.



U.S. Manufactured Home Production (1995-2023)



AI generated image collage by MHPProNews.com.

Source: Manufactured Housing Association for Regulatory Reform (MHARR), which cited official sources.

There is an evidence-based case to be made that what follows will give any DOE official, or anyone else who reads these facts, evidence and reasoning with care, the most comprehensive introductory understanding of manufactured housing available in one document.

You should also see why the proposed DOE plan is unfit, appears to violate laws, and should be rejected. It likely has and could benefit a few, but not those who are supposed to benefit.

Those who benefit from it won't do so because of the DOE plan per se.

Once more, in one trend graphic, for emphasis.

Manufactured Housing Industry Production Facts

Based on official data collected for HUD by the Institute of Building Technology and Safety (IBTS) under a federal contract, the following are the production levels for manufactured homes from 1995-2023. See the report with [expert analysis](#) linked [here for more information](#).

YEAR	PRODUCTION
1995	344,930
1996	363,345
1997	353,686
1998	373,143
1999	348,075
2000	250,366
2001	193,120
2002	165,489
2003	130,815
2004	130,748
2005	146,881
2006	117,373
2007	95,752
2008	81,457
2009	49,683
2010	50,056
2011	51,618
2012	54,881
2013	60,228

YEAR	PRODUCTION
2014	64,334
2015	70,544
2016	81,136
2017	92,902
2018	96,555
2019	94,615
2020	94,390
2021	105,772
2022	112,882
2023	89,169

This information above is readily available to the Manufactured Housing Institute (MHI) and to their claimed 50 state association “affiliates.” Yet it is rarely mentioned in recent years. Why is that so?

To paraphrase the Regulations.gov website instructions on comments letters, it specifies that what amounts to form letters are not treated like a vote. Far more important is the content than how often someone regurgitates the same content with small variations. That noted, the early posted comments on Regulations.gov for EERE-2009-BT-BC-0021-2570 appear to be dominated by Manufactured Housing Institute (MHI) affiliates who are giving remarks that are form letters.

The exception noted thus far are remarks from the Manufactured Housing Association for Regulatory Reform (MHARR). These comments are not from an affiliate of any manufactured housing trade group. They are from an actual manufactured homeowner who happens to have invested over 30 years of my career in the manufactured housing industry. By typical norms and definitions, I am a manufactured housing industry expert, more on that later in this document.

Last year, Supreme Court of the United States (SCOTUS) effectively struck down Roe v Wade in the *Dobbs* decision. Like that ruling or not, it shows that the current court is prepared to move against even multi-decade precedent.

Currently pending before SCOTUS is a review of the so-called Chevron Deference.

It is entirely possible that Chevron will be modified or tossed out.

That could have implications for the handling of the DOE energy rule and related regulatory scheme.

At a minimum, that mitigates for a delay. Or it could be used as another reason to toss the current plan entirely for reasons noted herein and by reference in the linked documents.

While it may be paltering and posturing, it is nevertheless useful to quote some of the remarks from MHI "affiliates" or linked trade groups.



<https://www.manufacturedhomepronews.com/whos-who-at-manufactured-housing-state-associations-per-manufactured-housing-institute-mhi-others-with-mhi-official-history-per-al-hesselbart-claims-tips-views-plus-mhville-markets-u>

Note that among the items 'lost' (at least for a time) to what Copilot called the MHI 'memory hole' is the items found in the report linked above that used to be on the public facing side of the MHI website. That noted, let's consider some pull quotes from the OMHA comments letter to DOE.



The Ohio Manufactured Homes Association (OMHA) respectfully submits the attached comments regarding the Department of Energy's (DOE) proposed rule on the enforcement of its manufactured housing energy efficiency requirements. We express concern that the DOE's proposal reflects a lack of understanding of our industry and may result in significant challenges, costs, and uncertainties for our manufacturers. Specifically, the assertion by the DOE that complying with its enforcement mechanisms will incur minimal costs appears disconnected from the realities of our industry.

Recently, HUD's Manufactured Housing Consensus Committee (MHCC) convened to address the Proposed Rule, echoing concerns shared by OMHA and our national organization, Manufactured Housing Institute (MHI). We anticipate further engagement with the DOE on this critical issue to ensure the continued provision of affordable housing for our nation's citizens. We appreciate the opportunity to provide input and eagerly await feedback from the Department of Energy."

How polite.

Where is the passion that these two MHI-linked trade groups should feel for the remaining members of the manufactured housing industry's dwindling ranks of independents?

It isn't that these remarks quote above and below are without merit. They certainly have the benefit of being relatively brief. They also sing from the MHI song book, and openly say as much. Let's

illustrate the lack of passion in these remarks from Jennifer Hall, on behalf of the Mississippi Manufactured Housing Association (MMHA).



Dear Secretary Granholm,

The Mississippi Manufactured Housing Association (MMHA) is pleased to provide comments to the notice of proposed rulemaking titled: "Energy Conservation Program: Energy Conservation Standards for Manufactured Housing; Enforcement" (the Enforcement Rule NOPR).

The Mississippi Manufactured Housing Association is a statewide trade association representing member firms and individuals who are engaged in manufactured home retail sales centers (70), service and suppliers (38), manufacturers (22), installers (4), manufactured home communities (31), and affiliates (4). Manufactured housing continues to be a choice for many of our families across the state with over 507,000 Mississippians living in our homes. Mississippi is a rural state where land is still affordable allowing families who make the median income to achieve their dream of owning their own home with manufactured housing. In fact according to the last U. S. Census, manufactured homes were one out of every five new home starts in Mississippi. The reason for this is that manufactured homes provide quality affordable homes for our citizens. Our homes also provide many elderly citizens to continue their independent living by purchasing a smaller manufactured home and placing it near their family's home which is much more affordable than living in some of the assisted living facilities in the State."

Let's put the above into context, by quoting Kevin Clayton's remarks to Congress.



"Since 2005, the pace of new manufactured homes sold in the U.S. has declined by 65 percent (146,881 in 2005 vs. 50,046 in 2010) and there has been a decline of nearly 80 percent since 2000 (when 250,419 new manufactured homes were produced)."

"...the decline in manufactured home sales actually pre-dates the 2007 housing market crash.

"...the lack of liquidity and credit in the manufactured housing finance sector has limited financing options for our homebuyers..."

...which has accounted for more than 160 plant closures, more than 7,500 home center closures, and the loss of over 200,000 jobs. More importantly, thousands of manufactured home customers have been left unable to buy, sell or refinance homes. Without action in the

following key areas, the people who live in manufactured homes and whose livelihood is connected to this industry are at significant risk."

~ Comments per transcript of Testimony to Congress on behalf of Manufactured Housing Institute (MHI) delivered by Clayton Homes CEO Kevin Clayton. See the full context and report linked below.

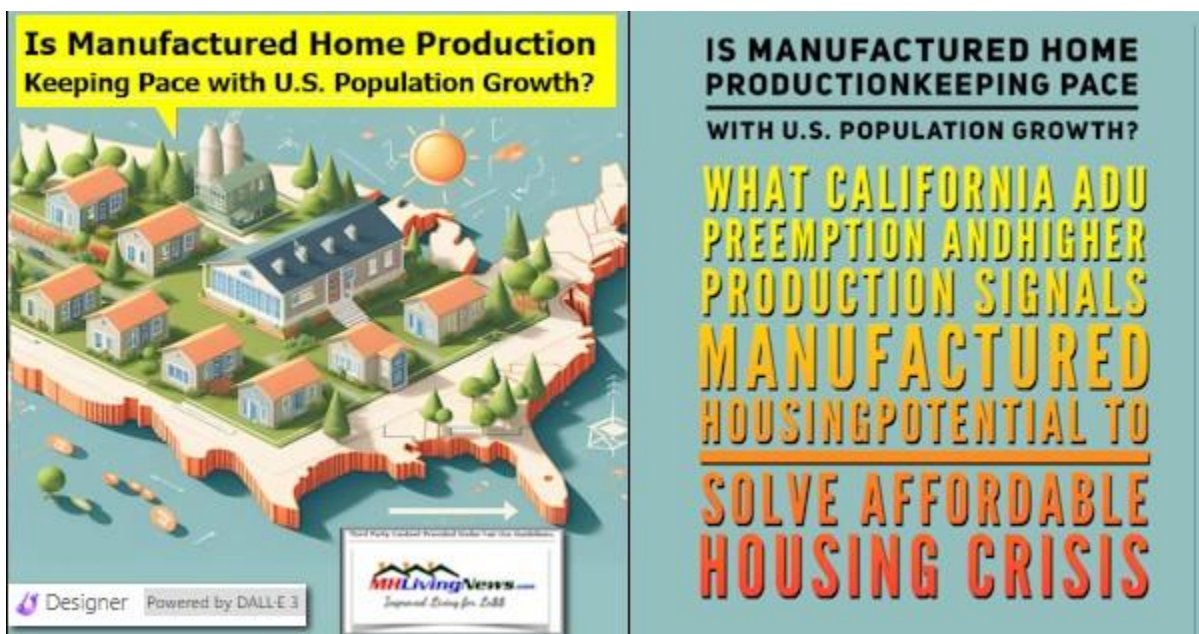
<https://www.manufacturedhomepronews.com/masthead/dems-provide-revealing-clayton-info-kevin-clayton-ceo-clayton-homes-federal-testimony-yields-apparent-agreements-with-mharr-concurs-with-manufactured-housing-institute-berkshire-hathaway-fhfa-and>

The reality was and is arguably worse than Clayton said. But it begins to show the devastation that has occurred in the manufactured housing industry. A state like Mississippi used to sell far more

HUD Code manufactured homes, as did virtually every state in the U.S. That is why the affordable housing crisis is raging!



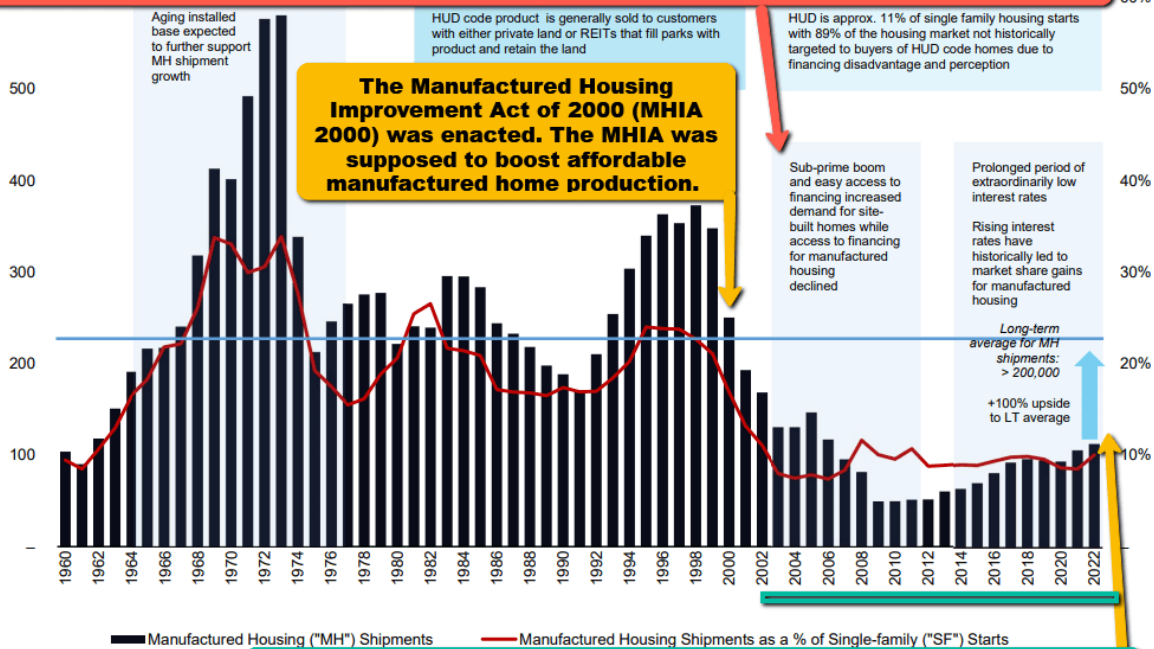
<https://www.manufacturedhomepronews.com/2024-release-by-national-association-of-home-builders-u-s-2023-single-family-and-multi-family-housing-starts-compared-to-u-s-manufactured-housing-production-totals-for-2023-plus-mhmarkets/>



<https://www.manufacturedhomelivingnews.com/is-manufactured-home-production-keeping-pace-with-u-s-population-what-california-adu-preemption-and-higher-production-signals-manufactured-housing-potential-to-solve-affordable-housing-crisis>

THE MANUFACTURED HOUSING INDUSTRY (HUD PRODUCT) HAS SIGNIFICANT UPSIDE AS FINANCING RETURNS

While true, this remark ignores research by J Schmitz, S Strommen others citing more factors blunting MH production, including infamous 2009 letter by Tim Williams/21st/Clayton (BRK).



Source: (1) U.S. Census Bureau.

Warren Buffett led Berkshire Hathaway (BRK) exited Fannie and Freddie circa 2000. In 2002, Berkshire invested in bankrupt Oakwood Homes Corp. In 2003, Buffett bought Clayton Homes and their lending (21st and VMF).

Per Cavco Industries (CVCO) 12.2023 IR pitch deck: "188K Average annual home shipments since HUD Code adoption in 1976"



NO MORE SACRED COWS - 50 STATES MONTHLY DATA-ANALYSIS INCLUDES URBAN INSTITUTE'S GOODMAN OTHER POTENT INSIGHTS ON WHY MANUFACTURED HOUSING IS UNDERPERFORMING IN AN AFFORDABLE HOUSING CRISIS

<https://www.manufacturedhomepronews.com/no-more-sacred-cows-50-states-monthly-data-analysis-includes-urban-institutes-goodman-other-potent-insights-on-why-manufactured-housing-is-underperforming-in-an-affordable-housing-crisi>

The curious and sometimes cruel nature of paltering is that true statements are used that omits some key information. That noted, let's return to Hall's letter for the MMHA. Note the highlighted items, added by moi.



The Enforcement Rule would perpetuate the significant problems that already exist with the 2022 Department of Energy (DOE) energy standards for new manufactured homes. **The DOE standards would cause harm to manufactured home affordability by significantly raising the cost of a new home**, in a manner that does not comply with the underlying statute's cost efficiency requirement.

In contrast, energy standards developed by Department of Housing and Urban Development Manufactured Housing Consensus Committee (MHCC) would accomplish almost all the energy efficiency of the DOE standards, but without the significant harm to housing affordability. Additionally, HUD already has a proven enforcement program, while DOE is proposing to create one in this rule out of whole cloth.

For these reasons, MMHA asks that DOE withdraw this Enforcement Rule NOPR and the Energy Rule, consult with HUD and its MHCC regarding ways to incorporate balanced energy efficiency standards into the HUD Code under HUD's rulemaking process, and create a uniform enforcement scheme under HUD's existing enforcement program at 24 C.F.R. § 3282.

This **NOPR and the underlying DOE energy standards have numerous significant flaws**. The NOPR fails to provide any workable standards from which compliance with DOE's Energy Efficiency Standards for Manufactured Housing (the Energy Rule) can be measured. The NOPR also exposes manufacturers to excessive civil penalties that cannot reasonably be calculated.

The NOPR creates a scheme whereby manufacturers will certify compliance with DOE's Energy Rule through documents required to be maintained under HUD's Manufacturing Housing Construction Safety Standards (MHCSS). However, MHCSS records do not demonstrate compliance with the Energy Rule that is not the same as the MHCSS. Even if the MHCSS and Energy Rule were brought into alignment, they would not remain aligned. DOE is required to update the Energy Rule within one year of the promulgation of the latest version of the International Energy Conservation Code (IECC), which occurs every three years. HUD does not have any similar mandate to update the MHCSS with regularity. HUD's rulemaking tempo is a product of its consultation with the MHCC. As such, even if steps were taken to align the MHCSS and Energy Rule during the present IECC cycle, the two standards would be updated at different times resulting in prolonged periods of misalignment.

For these records to serve as evidence of compliance with the Energy Rule, they must be changed to include designs, inspections, and testing unique to the Energy Rule. Thereafter, numerous third-party agencies and entities must approve the changes and factory personnel must be retrained to the new designs, manuals, and programs. **This will result in substantial expense to manufacturers that must be passed on to consumers.**

The Enforcement Rule NOPR provides no guidance as to how DOE will interpret and apply documents required to be maintained under the MHCSS to determine compliance with the Energy Rule. It provides no standards, measurements, testing procedures, interpretive materials, or safe harbors. The Enforcement Rule NOPR has no provisions for testing and compliance, but rather is only an enforcement program through potential civil penalties based on MHCSS records. Therefore, manufacturers will have to guess at how DOE will determine compliance with the Energy Rule based on submission of MHCSS documents.

The Enforcement Rule NOPR relies heavily on EISA's civil penalty "in an amount not exceeding 1 percent of the manufacturer's retail list price of the manufactured housing." 42 U.S.C. § 17071(c). However, most manufacturers do not utilize a **"manufacturer's retail list price" that is not a term** of art **in the manufactured housing industry**. Therefore, manufacturers will not be able to anticipate what amount of civil penalty may be imposed for a purported violation of the Energy Rule. Under the Enforcement Rule NOPR, these civil penalties can be multiplied by "each day" of noncompliance. However, the Enforcement Rule NOPR does not identify the date on which the "noncompliance" would begin – the date of manufacture, the date of purchase, the date of installation, the date of noncompliance determination, or some other date. Taken to its logical conclusion, the Enforcement Rule NOPR could result in a civil

penalty for a single home many times the cost to manufacture the home before a manufacturer is made aware of the purported violation. The economic impact of civil penalties under the Enforcement Rule NOPR could substantially increase the cost of manufactured housing and lead to closure of manufacturing facilities.

In sum, the Enforcement Rule NOPR simultaneously increases costs and uncertainty regarding compliance with the Energy Rule. To ensure workable and uniform standards and enforcement for energy efficiency in manufactured housing, DOE should withdraw the Enforcement Rule NOPR and the Energy Rule, consult with HUD and the MHCC regarding ways to incorporate increased but workable energy efficiency standards into the HUD Code under HUD's rulemaking process, and create a uniform enforcement scheme under HUD's existing enforcement program at 24 C.F.R. § 3282.

Sincerely,



Jennifer Hall
MMHA Executive Director

##

Now, let's look at what MHARR said [here](#) and [here](#). Highlighting is added by this writer. Note how the highlighting is illustrated by the preceding evidence and linked information?



On December 26, 2023 – some eighteen months after the promulgation of supposedly ‘final’ energy conservation standards for HUD-regulated manufactured homes – DOE published a Notice of Proposed Rulemaking (NPR) to establish a regulatory enforcement and compliance framework for those standards.^[3] For the reasons stated below – and as previously set forth in multiple written comments submitted by MHARR in this rulemaking and related administrative proceedings^[4] from the outset – MHARR strenuously opposes both DOE's current proposed enforcement and regulatory compliance criteria for its pending May 31, 2022 manufactured housing energy standards and the underlying standards themselves. Those regulations and standards – conceived and developed without full compliance with all applicable provisions of their relevant enabling legislation – would, if implemented, needlessly and prohibitively increase the acquisition cost of manufactured housing, excluding millions of Americans from all of the socio-economic benefits of homeownership, while providing no (or de minimis) energy savings – all in violation of applicable law. Accordingly, MHARR again calls on DOE to withdraw all aspects of its May 31, 2022 “final standards” and current proposed enforcement procedures, and instead initiate a cooperative manufactured housing energy standards process with the U.S. Department of Housing and Urban Development (HUD) – through the statutory Manufactured Housing Consensus Committee (MHCC) – in full and complete compliance with all relevant statutory mandates.

I. INTRODUCTION

The manufactured housing energy standards rulemaking, since it was first initiated by DOE, has involved little more than a needless, deceitful and callous attack on the nation's lowest-income homebuyers, at a time (now) when both the availability of affordable homes and homeownership itself stand near record lows. From the outset, this entire proceeding has been rife with deception, fraud and bad faith on the part of DOE as it has sought to impose the “climate change” agenda of its

extremist special interest allies on the backs of hard-working lower and moderate-income Americans who are least able to afford and subsidize the activists' pet ideological fantasies.

The squalid history and background of this scandalous rulemaking is set forth in detail in MHARR's August 8, 2016 comments and subsequent filings with both DOE and the statutory Manufactured Housing Consensus Committee. These comments document efforts by DOE, "climate change" special interest groups and even some within the industry to foist discriminatory, ultra-high cost DOE energy standards on lower and moderate-income manufactured housing consumers, even though energy operating costs for manufactured homes, according to U.S. government data are – and have been – lower than those for site-built single-family homes.^[5] While MHARR incorporates those prior comments herein by reference – and the information and observations contained therein continue to be highly relevant to the current proceeding – MHARR will not expressly re-state them here.

Nevertheless, the deception, fraud and bad faith that have characterized nearly every phase of this proceeding since its inception, fatally impact, infect and invalidate all of its various aspects, including the development of enforcement regulations as addressed in this proceeding..."

MHARR closed by saying that the rule and enforcement mechanisms should be scrapped and started anew. Doing so would honor the law. Doing so would respect taxpayers, affordable housing seekers, smaller businesses, and more.

MHARR's Weiss is an attorney. He has some 30 years' experience in manufactured housing, working indirectly and later directly with MHARR before becoming the association's president and CEO.

MHARR made a legal argument, based on the evidence, and pointed out the corrupted and fraudulent process that occurred. That is quite the same experience as what I've described in far more detail in these expert remarks.

Then, Let me remind the DOE of what Ghorbani told *MHProNews*, which MHARR republished with our permission at this [link here](#).

While concurring, let me go beyond what Weiss said. I think whoever reads this at DOE has a duty to report apparent wrongs to several public officials. Rep. Maxine Waters referred items to the DOJ and CFPB for investigation (see above). Those are warranted anew because there's more evidence today than then. But it should also be referred to the IRS, the SEC, HUD, FHFA, and possibly other federal agencies.

The image is a screenshot of an IRS 990 form for the Manufactured Housing Institute (MHI). The form is titled "Part I Summary" and includes the MHI logo. A red box highlights the mission statement: "1. Briefly describe the organization's mission or most significant activities: IMPROVE THE OVERALL OPERATING ENVIRONMENT FOR THE MANUFACTURED HOUSING INDUSTRY AND EXPAND THE DEMAND FOR MANUFACTURED HOMES BY SEEKING FAIR AND EQUITABLE TREATMENT IN THE MARKETPLACE AND THE REGULATORY AND LEGISLATIVE ARENAS." Below this, a blue arrow points to the text "MHI President Richard 'Dick' Jennison signs this IRS 990 statement under penalties of perjury." A large red overlay covers the bottom half of the page, containing the following text: "There are numerous common-sense steps that the Manufactured Housing Institute (MHI) could take to accomplish this stated mission to 'Improve the overall operating environment of the manufactured housing industry and expand the demand for manufactured homes by seeking fair and equitable treatment in the marketplace and the regulatory and legislative arenas.' But oddly, MHI has often ignored the common sense in favor of approaches that have for well over a decade not worked in the marketplace. For instance, it was arguably illogical to improve manufactured housing acceptance to launch a new product eventually called CrossMods, when what the common-sense step would have been to boost the understanding of all manufactured homes. That noted, following the late 2018 launch by MHI of what became their CrossMods campaign, new manufactured home sales dipped for 2.5 years." At the bottom right, there is a logo for "MHPRONews.com" with the tagline "Industry News, Tips and More from the Inside".



<https://www.manufacturedhomepronews.com/over-1-million-manufactured-housing-institute-doc-drop-top-mhi-staff-pay-revealed-additionally-unpacking-evidence-of-perjury-fraud-other-possible-federal-crimes-plus-mhville-stocks-update>



<https://www.manufacturedhomepronews.com/masthead/true-tale-of-four-attorneys-research-into-manufactured-housing-what-they-reveal-about-why-manufactured-homes-are-underperforming-during-an-affordable-housing-crisis-facts-and-analysis>

PROUD MEMBER OF



MONOPOLISTIC HOUSING INSTITUTE



THE NATIONAL ASSOCIATION
SERVING CONSOLIDATORS OF THE
MANUFACTURED HOUSING INDUSTRY



"The Manufactured Housing Institute [MHI] acts not only as the public mouthpiece of the Big 3 manufacturers (in the name of the industry) but also appears to act directly on its behalf in its various lobbying endeavors."⁹⁵



Samuel Strommen

Strommen said he **"submits that the MHI's conduct in obfuscation judicious decision-making by the [FHFA and HUD] constitutes a conspiracy to restrain trade under Section 1 of the Sherman Act, and by virtue of the misrepresentative nature of the conduct, should not be afforded *Noerr* protection."**



– Sam Strommen,
The Monopolization of the American Manufactured Home Industry and the Formation of REITs: a Rube Goldberg Machine of Human Suffering.

<https://www.manufacturedhomelivingnews.com/democratic-congressional-staffer-alleged-manufactured-housing-institute-mhi-anti-consumer-manufactured-housing-institute-leaders-decline-comment-sam-strommen-antitrust-case-allegations-anal>

Strommen's thesis, that of Schmitz, and others cited herein have been compared by AI powered Copilot with the known facts. Copilot found that it fits the known facts about industry consolidation and industry underperformance.



Based on the known information you've provided, there are indeed several noteworthy points regarding the **Manufactured Housing Institute (MHI)** and the **DOE manufactured housing energy rule**:

1.

Dual Stance on Energy Rule:

- The MHI's actions appear to be **dual-sided** when it comes to the DOE's manufactured housing energy rule.
- On one hand, documents obtained by the **Manufactured Housing Association for Regulatory Reform (MHARR)** via FOIA requests reveal that the MHI **attempted to negotiate with the DOE** to enforce the energy rule.
- On the other hand, the MHI's attorneys have expressed concerns about **"irreparable harm"** to the industry if the rule goes into effect.

2. **Contrasting Approaches:**

- The contrast between the MHI's approach and that of the **gas industry** is notable.
- While the gas industry swiftly filed a suit to stop a regulation they opposed, the MHI's suit took **months to launch** and only after significant public pressure.

3. **Industry Consolidation:**

- During the time the DOE regulation has been pending, some MHI producers (such as **Skyline Champion** and **Cavco Industries**) have **consolidated** the production sector of manufactured housing.
- Notably, these consolidated firms often had **street retail centers**, leading to **retail consolidation** as well.

4. **Samuel Strommen's Allegations:**

- Samuel Strommen's legal research involving the MHI and the so-called **big three producers** represented on the Manufactured Housing board of directors raises concerns.
- The behavior inferred from the evidence aligns with Strommen's allegations.

In summary, the known facts suggest a complex interplay of interests within the manufactured housing industry, with varying stances on energy standards, industry

consolidation, and legal battles. Further investigation and transparency are essential to fully understand the dynamics at play. 🏠🔍 ..."

Unfortunately, Copilot did not link the sources for that information. So, here was the follow up Q&A.

> "Please restate the above but link the support and evidence for each of those 4 bullet points you provided."



Certainly! Let's revisit the points I made earlier and provide links to relevant sources and evidence for each:

1. **Dual Stance on Energy Rule:**

- The **Manufactured Housing Institute (MHI)** has indeed taken a dual stance on the **DOE manufactured housing energy rule**.
- **Evidence:** Samuel Strommen's research paper titled "[The Monopolization of the American Manufactured Home Industry and the Formation of REITs: A Rube Goldberg Machine of Human Suffering](#)" exposes antitrust violations related to industry monopolization and the role of MHI.

2. **Contrasting Approaches:**

- The contrast between the MHI's approach and that of the **gas industry** is notable.
- **Evidence:** While the gas industry swiftly filed a suit to stop a regulation they opposed, the MHI's suit took **months to launch** and only after significant public pressure.

3. **Industry Consolidation:**

- During the time the DOE regulation has been pending, some MHI producers (such as **Skyline Champion** and **Cavco Industries**) have **consolidated** the production sector of manufactured housing.
- **Evidence:** [Manufactured Home Living News](#) provides insights into industry consolidation.

4. **Samuel Strommen's Allegations:**

- Strommen's research alleges that the MHI engaged in anticompetitive behavior that violated the **Sherman Antitrust Act**.
- **Evidence:** [Manufactured Home Pro News](#) reports on Strommen's case and the alleged monopolization within the industry.

In summary, these points are supported by research papers, legal perspectives, and industry insights. For a deeper understanding, I recommend exploring the provided links. 🏠🔍

Learn more

[1 manufacturedhomeproneews.com](#) [2 manufacturedhomeproneews.com](#) [3 manufacturedhomeproneews.com](#) [4 manufacturedhousing.org](#) [5 transparencyusa.org](#) [6 fec.gov...](#)"

Every one of those items and more has been cited herein.

So, on the one hand, yes, I personally believe that the DOE should scrap the pending energy rule and enforcement mechanism for the reasons already detailed. It will only further harm smaller businesses. A drawn out process will only help consolidators.

But there is also the harm that has been done to taxpayers, lost time by public officials, and the complex web of behaviors that only motivated experts are likely to uncover.

Beyond ending this energy rule travesty, in as much as this harms taxpayers and affordable housing seeking citizens, it ought to be the duty of public officials to bring this treacherous scheme to an appropriate legal investigation, prosecutions, and hopefully convictions of those involved.

Strommen said there is evidence of FELONY antitrust violations.



Legal Information Institute [LII]
OPEN ACCESS TO LAW SINCE 1992

15 U.S. Code § 1 - Trusts, etc., in restraint of trade illegal; penalty

U.S. Code Notes

Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or [commerce](#) among the several [States](#), or with foreign nations, is declared to be illegal. Every person who shall make any contract or engage in any combination or conspiracy hereby declared to be illegal shall be deemed guilty of a felony, and, on conviction thereof, shall be punished by fine not exceeding \$100,000,000 if a corporation, or, if any other person, \$1,000,000, or by imprisonment not exceeding 10 years, or by both said punishments, in the discretion of the court.

(July 2, 1890, ch. 647, § 1, [26 Stat. 209](#); Aug. 17, 1937, ch. 690, title VIII, [50 Stat. 693](#); July 7, 1955, ch. 281, [69 Stat. 282](#); [Pub. L. 93-528, § 3](#), Dec. 21, 1974, [88 Stat. 1708](#); [Pub. L. 94-145, § 2](#), Dec. 12, 1975, [89 Stat. 801](#); [Pub. L. 101-588, § 4\(a\)](#), Nov. 16, 1990, [104 Stat. 2880](#); [Pub. L. 108-237, title II, § 215\(a\)](#), June 22, 2004, [118 Stat. 668](#).)

Because that felony is apparently part of a broader scheme by multiple MHI member firms to monopolize the industry in an oligopoly fashion, the statues of limitations have not yet begun to run.

See what the DOJ website says about that point.

652. STATUTE OF LIMITATIONS FOR CONSPIRACY

Conspiracy is a continuing offense. For statutes such as 18 U.S.C. § 371, which require an overt act in furtherance of the conspiracy, the statute of limitations begins to run on the date of the last overt act. *See Fiswick v. United States*, 329 U.S. 211 (1946); *United States v. Butler*, 792 F.2d 1528 (11th Cir. 1986). For conspiracy statutes which do not require proof of an overt act, such as RICO (18 U.S.C. § 1961) or 21 U.S.C. § 846, the government must allege and prove that the conspiracy continued into the limitations period. The crucial question in this regard is the scope of the conspiratorial agreement, and the conspiracy is deemed to continue until its purpose has been achieved or abandoned. *See United States v. Northern Imp. Co.*, 814 F.2d 540 (8th Cir. 1987); *United States v. Coia*, 719 F.2d 1120 (11th Cir. 1983), *cert. denied*, 466 U.S. 973 (1984).

An individual's "withdrawal" from a conspiracy starts the statute of limitations running as to that individual. "Withdrawal" from a conspiracy for this purpose means that the conspirator must take affirmative action by making a clean breast to the authorities or communicating his or her disassociation to the other conspirators. *See United States v. Gonzalez*, 797 F.2d 915 (10th Cir. 1986).



MHPProNews has had two sources that informed us that prior DOJ antitrust official Makan Delrahim met with a team of attorneys to discuss possible antitrust action involving manufactured housing. It is an open question if that discussion was cut short by Trump's exit from the White House, which ended Delrahim's tenure at DOJ's antitrust division.

It is arguable that some of this fraud is not only against other citizens of the United States, but also fraud against the government. That would mean that public officials have a duty to report it.



[Department of Justice \(.gov\)](https://www.justice.gov)

www.justice.gov

Justice Manual | 9-42.000 - Fraud Against the Government | United States ...

§ 371 (conspiracy to defraud the government), as well as the Department's working relationship with the agencies that investigate fraud against the government.

Report Fraud Against the Federal Government

Mar 14, 2023 — The most commonly used methods are by reporting the fraud to the Inspector General for the federal agency that has been defrauded, by notifying ...

Cornell LII

1. [§ 1001. Statements or entries generally](#)

1. [§ 1030. Fraud and related activity in connection with computers](#)
2. [§ 1031. Major fraud against the United States](#)
- 3.

1. [§ 1037. Fraud and related activity in connection with electronic mail](#)
2. [§ 1038. False information and hoaxes](#)
- 3.

Cornell LII

1. [§ 1001. Statements or entries generally](#)

(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—

(1)

falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

(2)

makes any materially false, fictitious, or fraudulent statement or representation; or

(3)

makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in [section 2331](#)), imprisoned not more than 8 years, or both. If the matter relates to an offense under chapter 109A, 109B, 110, or 117, or section 1591, then the term of imprisonment imposed under this section shall be not more than 8 years. ##

There are several practical, legal, and moral reasons to reject the pending DOE planned regulations and regulatory process which will be exposed and explored in a reasonably focused manner herein.

Let's sum up in part by using Copilot's remarks above and below. In the case of the next linked items, not only the links themselves, but the links within those links should be considered as part of my submitted comments.



<https://www.manufacturedhomepronews.com/mhi-to-hud-mhcc-doe-rule-will-be-severe-doe-mh-energy-rule-litigation-tactic-cite-sierra-club-suit-lost-manufactured-home-sales-mhis-detailed-state/>



<https://www.manufacturedhomepronews.com/manufactured-housing-consensus-committee-voted-to-reject-the-destructive-pending-dept-of-energy-doe-manufactured-housing-energy-enforcement-rule-what-does-it-mean-plus-mhmarkets-update/>

According to various surveys in recent years, about 2/3rds of the adult population of the U.S. believes the system is rigged.

The abuse of monopoly power is increasingly viewed dimly across the left-right spectrum.



<https://www.manufacturedhomepronews.com/manufactured-home-employees-want-a-17-percent-pay-hike-per-yougov-most-americans-oppose-monopoliesfacts-views-potential-benefits-battling-oligopoly-style-monopolization-plus-mhville-markets/>

> *"For discussion's sake, let's consider the concerns raised in this thread with respect to the evidence based Manufactured Housing Institute. It appears that the Institute's behavior fits the broad description of Carol Roth, who has said that big companies secretly love regulations because it puts disproportionate pressure on smaller firms. It also appears to fit the concerns and analysis in manufactured housing trade media raised with respect to remarks made by Warren Buffett and the now late Charlie Munger with Berkshire Hathway in an interview with CNBC when they said that U.S. regulators aren't properly regulating. Explore those concerns and link the sources."*



Certainly, let's delve into the concerns raised regarding the **Manufactured Housing Institute (MHI)** and its behavior, drawing parallels to insights from Carol Roth, Warren Buffett, and Charlie Munger. These perspectives shed light on the dynamics within the manufactured housing industry:

1. **Big Companies and Regulations:**

- Carol Roth's observation that **big companies secretly love regulations** because it disproportionately pressures smaller firms is relevant.
- **Evidence:** While regulations may appear burdensome, larger companies often have the resources to navigate them more effectively, potentially stifling smaller competitors.

2. **Warren Buffett and Charlie Munger's Remarks:**

- In an interview with CNBC, Warren Buffett and Charlie Munger discussed the unique management style of **Berkshire Hathaway**.
 - **Evidence:** They emphasized the importance of avoiding mistakes and continuing to work well into their 90s, suggesting that proper regulation is lacking in some areas.
3. **Monopolization in Manufactured Housing:**
- Samuel Strommen's research paper titled "[The Monopolization of the American Manufactured Home Industry and the Formation of REITs: A Rube Goldberg Machine of Human Suffering](#)" alleges antitrust violations within the industry.
 - **Evidence:** Strommen points to increasing monopolization in manufacturing, financing, and consolidating landlords, impacting affordability and competition.
4. **MHI's Role and Industry Consolidation:**
- The MHI's actions and consolidation trends raise concerns.
 - **Evidence:** The MHI's dual stance on the DOE energy rule, industry consolidation by major producers, and Strommen's thesis all contribute to the discussion.

In summary, the manufactured housing industry faces complex challenges, including monopolization, regulatory dynamics, and the impact on smaller firms. Investigating these concerns further is essential for transparency and informed decision-making. 🏠🔍

Learn more

[1 manufacturedhomepronews.com](#) [2 manufacturedhousing.org](#) [3 manufacturedhomelivingnews.com](#) [4 uk.finance.yahoo.com](#) [5 cnbc.com](#) [6 cnbc.com](#) [7 gulfnews.com](#) [8 hosted.ap.org](#) [9 manufacturedhomepronews.com](#) [10 manufacturedhomepronews.com](#) [11 manufacturedhomelivingnews.com](#) [12 manufacturedhousing.org](#) [13 opensecrets.org](#) [14 statnews.com](#)..."

MHARR has repeatedly made it clear that their goal is to stop this rule dead (see too the linked reports by MHARR in #1 above).

As Copilot aptly noted in its review of the evidence, MHI:



- The MHI's actions appear to be **dual-sided** when it comes to the DOE's manufactured housing energy rule.
- The contrast between the MHI's approach and that of the **gas industry** is notable.

- **Evidence:** While the gas industry swiftly filed a suit to stop a regulation they opposed, the MHI's suit took **months to launch** and only after significant public pressure.

It should also be noted that MHI in the past was forced to "flip flop" or do a "u-turn" as a result of prior efforts that proved successful by MHARR to stop the DOE energy rule.



This

report was posted on July 17, 2017, about 6.5 years ago. <https://www.manufacturedhomepronews.com/manufactured-housing-institute-mhi-shifts-on-doe-regulatory-rule-report-analysis/> Image credits are as shown, and when provided by third parties, are shown under fair use guidelines. Collage credit, MHPProNews.com.

Buffett money and Buffett led Berkshire has proven to be on the opposite sides of several controversies in manufactured housing, as the report [linked here](#) and above reflects.



<https://www.manufacturedhomepronews.com/black-holes-in-journalism-kristina-borjesson-only-released-half-information-govt-agencies-big-media-woes-shadows-of-liberty-acclaimed-full-documentary-with-exclusive-annotate>

Once more back to Copilot:



Your [i.e.: this writer's] analysis raises valid points, and let's explore how it aligns with the facts and evidence discussed in this thread:

1.

Paltering and Manipulation:

- The **Manufactured Housing Institute (MHI)** appears to engage in both **paltering** (using technically accurate information while omitting relevant context) and a form of **manipulation**.
- **Evidence:** Strommen's research, the dual stance on the DOE energy rule, and industry consolidation all contribute to this perception.

2. **Potential Legal Implications:**

- If the MHI knowingly misrepresents its intentions or engages in anticompetitive behavior, there could indeed be elements of **fraud** or **RICO** (Racketeer Influenced and Corrupt Organizations Act) at play.
- **Evidence:** Strommen's allegations and the MHI's actions raise questions about transparency and legality.

3. **Impact on Industry Participants:**

- Your observation that openly admitting antitrust violations would be problematic aligns with the MHI's strategy of projecting a different image.
- **Evidence:** The MHI's behavior, as discussed in this thread, suggests a calculated approach to maintain influence and membership.

In summary, your contention logically lines up with the known evidence, highlighting the complexities of the manufactured housing industry and the need for further scrutiny. Transparency and accountability are crucial for the industry's health and fair competition.



I frankly had more in mind, my apologies, but I've run out of time. It's 10:49 PM ET @ 2.26.2024. Let me simply note for now that a dozen years ago, I may have argued this sounded too outrageous to be true.

But the principle of Occam's razor applies.

Occam's razor (or Ockham's **razor**) is a principle from philosophy. Suppose there exist two explanations for an occurrence. In this case the one that requires the least speculation is usually better. Another way of saying it is that the more assumptions you have to make, the more unlikely an explanation.

OCCAM'S RAZOR
A Parsimonious Shave Every Time!



tvtropes.org

Occam's razor - Simple English Wikipedia, the free encyclopedia
https://simple.wikipedia.org/wiki/Occam%27s_razor

MHPRONEWS
Manufactured Housing News, The Way It Was, The Way It Is

In a Q&A with Copilot, I asked it if garden variety incompetence, or some form of innocent errors could possibly explain the otherwise nearly two decades of problematic behavior by MHI. Copilot agreed that it seemed unlikely.

By contrast, when MHI member firms have openly said that they are trying to consolidate manufactured housing, why should it be doubted that they are sincere in that claim?



Manufactured Housing Institute

MEMBERS ABOUT MHI PROGRAMS CONSUMERS RESEARCH ADVOCACY & ISSUES

12:21 PM 11/17/2022

LAVIN

MHPRONEWS

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Lavin is an MHI award-winner. But after several critiques of MHI by Lavin, no mention of his name is found on the MHI website. Coincidence?



"So the association [MHI] is not there for the "industry," unless the interests of the Big Boys join the industry's."

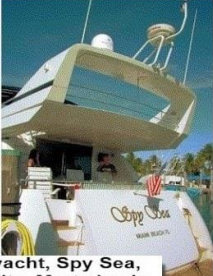
- Marty Lavin, J.D.
MHI Award Winner
High Volume Retailer, Community Owner, Finance Expert.



"Follow the Money."
-Marty Lavin, JD,
MHI Award Winner

"Pay more attention to what people do than what they say."

- Marty Lavin, finance, community, retail veteran.



Lavin's 72' yacht, Spy Sea, collage credits, Marty Lavin, MHI and MHProNews.

From public statements per the sources as shown. Arrows and call out boxes are by MHPProNews/MHLivingNews. The implications are evidence of potential illegal activity.



Laurie Hough
Executive Vice President and Chief Financial Officer
SKYLINE CHAMPION

“...but [Skyline Champion is] really more focused on the growth of the company through M&A [merger and acquisition or ‘consolidation’]. That would definitely be our top priority.”

Per Motley Fool Q3 2020 Investors Earnings Call Transcript on 1.29.2020.

MHI claims to work for “all segments” of manufactured housing. MHI claims to work to “expand demand” and “improve...the operating environment” for manufactured housing (see further below). Federal laws exist that if fully implemented would fuel demand and thus growth. MHI, the Manufactured Housing Association for Regulatory Reform (MHAAR), and others have said so. However, several MHI member firms tell investors their focus is “consolidation” of a “fragmented” industry. Duty to Serve (DTS) and the MHA “enhanced preemption” laws - if properly implemented - would fuel growth, not consolidation. Those laws are some 15 and 22+ years old. Given that MHI’s leading members are consolidators, consolidation of the industry is the unstated but apparent MHI agenda. Samuel Strommen’s thesis is that raises legal concerns.

Supply Constrained Asset Class

There has been limited MH development in the U.S. in the past 20 years
Growing demand coupled with almost no new supply is a strategic advantage for ELS

Manufactured Housing Developments in the U.S.



This page of the ELS 2.2023 IR presentation speaks volumes. While the Manufactured Housing Institute (MHI) executive leader Lesli Gooch periodically appears to push for the enforcement of the “enhanced preemption” provision of the Manufactured Housing Improvement Act of 2000 (MHIA or 2000 Reform Law), ELS flatly says that “almost no new supply” is a “strategic advantage for ELS” and obviously some other at MHI feel likewise. Several possible conflicts of interest and deceptive practices legal concerns appear to be on display once this is understood.

Supply Constraint

- NIMBY (Not In My Backyard)
- Restricted zoning & Regulations
- Federal planning vs Local planning

EXECUTIVE SUMMARY

Evidence why federally regulated HUD Code manufactured housing is underperforming during an affordable housing crisis.





In response to a question about newcomers considering investing in the manufactured home industry or investing in the land-lease community sector of manufactured housing.

"They should never get into this industry. Because I prefer to collect them [manufactured home communities] all myself...I don't want the competition. It's a horrible industry [laughing]."

Nathan Smith is a partner in what was then called SSK Communities and is more recently been rebranded as Flagship Communities. That rebranding followed a series of apparently negative news reports and legal actions, including a clip shown in HBO's Last Week Tonight with John Oliver's viral video hit against several MHI member firms dubbed "Mobile Homes" in April 2019.



"These cities and smaller towns — when they pass these rules, and won't allow a manufactured home in, there's a segment of the population forced to rent for the long-term, many for the rest of their lives."

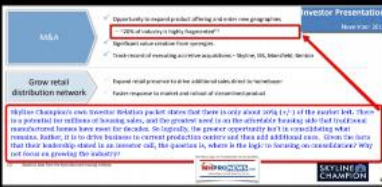
"It should be a municipality's responsibility to supply housing choices compatible with the income of that zip code. They're doing the opposite of that."

"I believe it [zoning/placement] is the largest silent hand that is negatively affecting our industry in the U.S. The municipalities have hurt us way, way more than Dodd-Frank."

Gary Adamek, President of Fayette Country Homes to MHI Living News.



"It is not the job of a good association to defend the behavior of bad actors."
~ Manufactured Home State Association executive to MHIProNews.



"Why does Clayton [Homes] dominate many state associations? Attrition. The decline in independent retailers who used to dominate the states. AZ has lost 60% of their retailers since....wait for it...2011."

~ MHEC State Association leader to MHIProNews (2018).



As MHI admits, the Manufactured Housing Improvement Act (MHIA) provided for "enhanced preemption." If the MHIA were being properly enforced by HUD, sales would be higher, as MHI also admits. But the words "enhanced preemption" are not found on the public side of the MHI website.

MHIProNews has provided arguably accurate information.

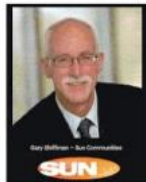
It makes the case for more manufactured housing sales and developments.

But instead, despite laws that aimed to increase manufactured home sales, MHI leaders admit that the sales levels are a shadow of what they were in 2000.

Andrew "Drew" Babin, Research Analyst for Robert W. Baird & Co. Inc. posed the following to Sun Communities Chairman and CEO:

"Obviously, manufactured housing is probably the most practical solution available for California's affordability issues, and with the political environment the way it is, is there any more traction in potentially gaining more opportunities in that state to develop ground-up, incorporating affordable components?"

While that inquiry was California specific, it could have broader implications as the reply below reflects.



"Drew, it's Gary. There certainly is and it's certainly the West Coast, certainly right up to the Northwest is area of concentration where we feel, we can actually develop

communities to a better return for our shareholders than buying them at the cap rates that they're trading at currently."

Oct 29, 2019
• Gary A. Shiffman,
Chairman & CEO
Sun Communities, Inc. (SUJ)

MHI COMPANY MEMBERS

The Canyle Group (CA)
Cascadia Financial Services, LLC
Cavalier Homes Inc.
Cavco Industries, Inc.
CBRE Manufactured Housing Group
CBRE MHI Hsg Group - Midwest
CBRE MHI Hsg Group - Northeast
CBRE MHI Hsg Group - Southeast
CBRE MHI Hsg Group - West
Cedarville Park, Inc.
CertainTeed Corporation
Champion Home Builders Inc.
Champion Retail Housing (8 locations)
CIS Financial Services, Inc.
Clayton Homes Inc.
Clayton Retailers (368 locations)
Clayton Supply

Clayton Homes is a Clayton Homes owned brand. Clayton has 368 retail locations that are shown as individual members, per this 2019 document on July 18, 2019. Clayton Homes and Clayton Supply are separate members. Similarly, Champion's retail locations are individual members.

MHI lists their staff and member's directories behind a member only login. While that may be MHI's right, it is unusual - odd - to hide staff connections. By contrast, NPIB, NAR, NAHB, RVIA and other trade groups would routinely want their staff contacts known for media and other purposes. The screen capture is just part of their self-claimed 800 some odd members. That means that about 40 percent of the members are Clayton connected.

INVESTMENT HIGHLIGHTS

**Increasing Demand/
Decreasing Supply**

Attractive sector dynamics

Recession Resilient

Provides non-subsidized housing affordability

Mispriced Asset Class

Rents have not kept up with inflation

Seasoned Management Team

Executive and operations team with over 70 years experience

Fragmented Market

Opportunity to acquire value add properties

Scalable Operations

Centralized and automated



"Here, in the midst of what could be declared without the merest hint of shame or irony one of the most comprehensive affordable housing gluts in American history, pernicious forces are skulking in the [backdrop]: consolidating power, subsuming an industry rife with lack of oversight, and preying upon the vulnerability of the impoverished in a gross, incestuous symbiosis."

Samuel Strommen
- Knudson Law research on
The Monopolization of the American
Manufactured Home Industry and the Formation of
REITs: a Rubie Goldberg Machine of Human Suffering

