Dear Secretary Jackson:

At its December 9-11, 2003, meeting in Phoenix, Arizona, the Manufactured Housing Consensus Committee (hereinafter “Committee”) held an informative discussion with the HUD manufactured housing program staff concerning the intent of subsections 604(b)(1), (2), (3) and (6) of the Manufactured Housing Improvement Act of 2000, during which an important issue was left unsettled. These provisions authorize the Secretary to issue procedural and enforcement regulations and revisions to existing regulations, as well as interpretative bulletins, as necessary to implement the provisions of this title. These same provisions also authorize the Committee to submit proposed procedural and enforcement regulations and recommendations for revisions of such regulations as well as proposed interpretative bulletins to clarify the meaning of any Federal manufactured home construction and safety standard or procedural and enforcement regulation. Subsection 604(b)(3) provides, among other things, that before issuing a procedural or enforcement regulation or an interpretative bulletin, the Secretary shall submit the proposed procedural or enforcement regulation, or interpretative bulletin, to the Committee and provide the Committee with a period of 120 days to submit written comments to the Secretary.

It is the Committee’s opinion that the terms “procedural and enforcement regulations” cited in subsections 604(b)(1) and (2) and “procedural or enforcement regulations” cited in subsection 604(b)(3) refer to “any... regulations, inspections, monitoring or other enforcement activities that constitutes a statement of general or particular applicability to implement, interpret, or prescribe law or policy by the Secretary,” as stipulated in subsection 604(b)(6), and as such, must be submitted to the Committee as per subsection 604(b)(3). This opinion could neither be confirmed nor refuted by HUD staff during the discussion.

The Committee members desire this issue to be resolved and hereby formally request that a definitive interpretation be made by HUD. On behalf of the entire Committee and in my capacity as Chairman, this letter seeks your interpretation of the Committee’s understanding of subsection 604(b) the Act, as outlined in the above paragraphs.

Sincerely,

Dana C. Roberts, Chairman
Manufactured Housing Consensus Committee

01.19.04