



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-8000

JAN 20 2015

OFFICE OF HOUSING

MEMORANDUM FOR: RVIA, MHI, MHARR, MHCC, PIAs, SAAs

FROM: Pamela Beck Danner, Administrator
Office of Manufactured Housing Programs

A handwritten signature in black ink, appearing to read "Pamela Beck Danner".

SUBJECT: RV Exemption under Manufactured Housing Act – Part II

This Memorandum extends the enforcement deadline of the October 1, 2014, "RV Exemption under Manufactured Housing Act" Memorandum issued by HUD's Office of Manufactured Housing Programs. The October 1, 2014, Memorandum provided:

HUD will commence reviewing for compliance its 1988 standard for measurement to ensure that units over 400 square feet meet HUD's building standards for manufactured homes that enter the first stage of production on or after April 1, 2015. Emphasis added.

On December 2, 2014, the Manufactured Housing Consensus Committee voted to recommend to HUD a further delay in the enforcement of the unit measurement standard as set forth in the October 1, 2014, memorandum (see attached) until HUD promulgates a final rule clarifying the Recreational Vehicle (RV) exemption at 24 CFR Section 3282.8(g) in HUD's Manufactured Home Procedural and Enforcement Regulations. HUD has considered the December 2, 2014, vote of the MHCC and will delay the enforcement of the October 1, 2014, Memorandum until the publication of a final rule concerning the RV exemption.

HUD requests that the third party inspection agencies forward this memorandum to their manufacturer clients and that RVIA forward it to their members. Any questions may be forwarded to the Office of Manufactured Housing Programs at 202-708-6423.

Attachment



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OCT - 1 2014

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MEMORANDUM FOR: RVIA, MHI, MHARR, MHCC, PIAs, SAAs

FROM: Pamela Beck Danner, Administrator
Office of Manufactured Housing Programs

SUBJECT: RV Exemption under Manufactured Housing Act

HUD's Office of Manufactured Housing Programs has become aware of a misunderstanding and misinterpretation of HUD's code, regulations and the National Manufactured Housing Construction and Safety Standards Act (Manufactured Housing Act). This memorandum is intended to reiterate HUD's longstanding interpretation of its statute, regulations, and accompanying guidance.

Several manufacturers have produced units marketed as "Park Model RVs" believing these units to fall under HUD's Recreational Vehicle (RV) exemption from HUD's code and regulations. Such manufacturers have purportedly relied on Recreation Vehicle Industry Association's (RVIA) 2012 Standards Bulletin (SNB-23/12) to measure square footage for the exemption under a voluntary standard (ANSI 119.5) used by RVIA in connection with its own labeling program.

After examining RVIA's Standards Bulletin, HUD finds that this bulletin misinterprets HUD's authoritative Interpretative Bulletin A-1-88 and provides inaccurate instruction on the proper measurement for the RV exemption to HUD's code that are inconsistent with HUD's application of this guidance. The proper measurement for this exemption is set forth in 24 CFR § 3282.8(g) and Interpretative Bulletin A-1-88. **As a reminder, no guidance interpreting HUD's code, regulations, or Interpretative Bulletins originating from any entity other than HUD can be relied upon as authoritative.** Additionally, compliance with a voluntary standard such as ANSI 119.5 **cannot** exempt manufacturers from Federal Law, HUD code, HUD regulations, or HUD Interpretative Bulletins. Producing units in violation of HUD code, regulations, or Interpretative Bulletins, even while relying on non-HUD interpretations, **does not** mitigate or excuse any failure to comply.

Measuring square footage for the RV exemption is **solely** based on the existing HUD code, regulations, and Interpretative Bulletins in place since 1988. Specifically, HUD's Interpretative Bulletin A-1-88 provides a clear, uniform standard for measuring square footage for the RV exemption. Under A-1-88, square footage encompasses the full width and length of a unit, including exterior features such as "all siding, corner trim, molding, storage space, and area enclosed by windows, but not the roofing overhang". The clear intention of the phrase roofing

overhang is that the structure excluded must be a free hanging extension of the roof beyond the furthest point of the unit's exterior walls. Any suggestion that this "overhang" includes any area that needs structural support, (e.g., that extends no more than 24 inches beyond the furthest point of the unit's exterior walls) is contrary to the clear intent of the Interpretative Bulletin. Porches, which are constructed as part of a unit during manufacture, and which share the unit's roof and chassis, **must** be included in determining a unit's square footage. Only true roofing overhangs as described above may be excluded.

HUD is committed to ensuring the proper consideration and compliance with its regulation of manufactured housing, including exemption to its regulations. To that end, HUD will ask the Manufactured Housing Consensus Committee at its next meeting whether the MHCC wishes to recommend to HUD modification of HUD's current RV exemption.

Notwithstanding this intended future consideration, HUD continues to be committed to ensuring homeowners have access to safe, affordable housing as contemplated by the current HUD code and associated regulations. Therefore, HUD will commence reviewing for compliance its 1988 standard for measurement to ensure that units over 400 square feet meet HUD's building standards for manufactured homes that enter the first stage of production on or after April 1, 2015.

We request that the third party inspection agencies forward this memorandum to their manufacturer clients and that RVIA forward it to their members. Should you have any questions, feel free to contact the Office of Manufactured Housing Programs at 202-708-6423.