



4.8.2019

**To: City of Bryan Officials**, Citizens, Non-Profits, Federal/State Public Officials, Affordable Housing Advocates, Investors, Interested Parties, et al.

**RE: Pending City Council Vote to Restrict Manufactured Housing - proposal would eliminate the city's MU-1 mixed-use residential district zoning.**

Affordable Housing is not a left-right issue. It is a non-partisan need for tens of millions of Americans. For whatever reasons, open or hidden motivations, the City of Bryan, Texas has taken incremental steps toward largely excluding the right of their residents to select the most proven form of affordable housing found in the U.S. today. That would be federally-regulated HUD Code manufactured homes.

At the Texas A&M Real Estate Center is Harold Hunt, Ph.D. Professor Hunt penned an article a few years ago entitled "[Not Your Grandfather's Trailer House](#)." In it, Hunt praised the quality, durability, and energy-efficiency of today's manufactured homes

In 2018, Scholastica 'Gay' Cororaton, CBE did extensive research for the National Association of Realtors (NAR) on manufactured housing. Her results are found as a download from "[Making the Case for Manufactured Homes](#)." Cororaton was thoughtful in citing others and myself in her first footnote, found on page 48 of Realtors University's [Journal for the Center of Real Estate Studies](#).



**"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" D. Cororaton,  
Certified Business Economist (CBE),  
National Association of Realtors® (NAR).



One can look at the 2018 research by Cororaton for the NAR that determined that manufactured homes can and do appreciate in value,

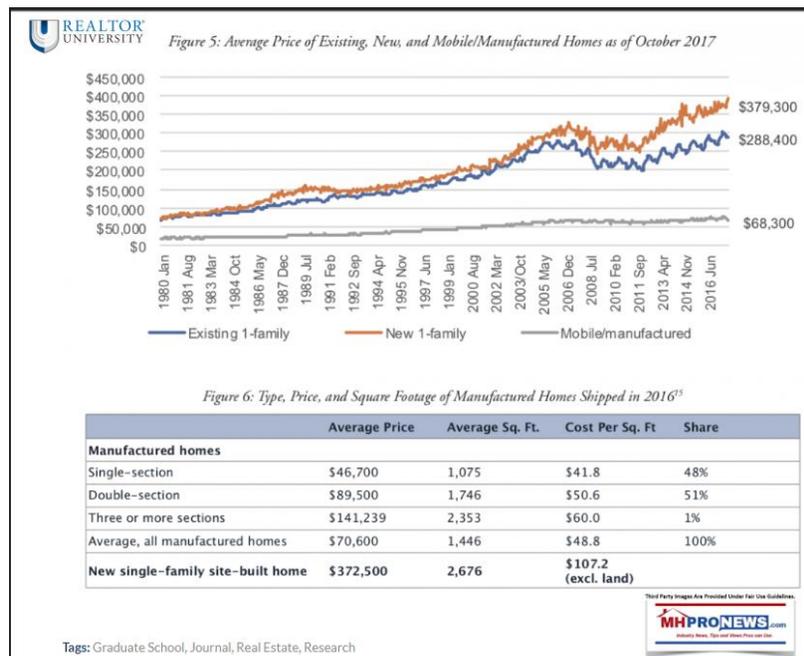
- the Federal Housing Finance Administration (FHFA) and the [Urban Institute in 2018](#) – which noted a similar trend cited by NAR in manufactured home appreciation,

- a [Housing and Urban Development \(HUD\) PD&R](#) report from 2011 that said manufactured homes appreciate side-by-side with conventional housing, and
- [Government Accountability Office \(GAO\) research in 2014](#) which showed manufactured homes are the lowest cost among the primary housing choices in the United States.



So, each of those third-party sources debunk some of the more egregious and errant claims being advanced in Bryan to wrongfully deny your city's residents their right to #HousingChoice.

Put differently, the right of the people to lawfully pursue their constitutionally protected right to life, liberty, and private property is being threatened. Those rights ought to be respected, the last point of which Thomas Jefferson amended in the final draft to the Declaration of Independence to read, "**the pursuit of happiness.**" That right to private property is not only for the well-to-do who may own conventional housing. It is clearly also for housing that the federal government, primarily through HUD, has certified as a safe, secure, and durable form of affordable housing - HUD Code manufactured homes.



Those well researched facts make the positive case for halting the planned steps slowly being taken by public officials in Bryan to exclude or largely ban federally regulated HUD Code manufactured homes.



Figure 2.4: Two-section HUD-Code Home



## REGULATORY BARRIERS *to* MANUFACTURED HOUSING PLACEMENT *in* URBAN COMMUNITIES



PD&R

U.S. Department of Housing and Urban Development | Office of Policy Development and Research

The HUD PD&R above is the source for that photo of a HUD Code manufactured home. In several cities in various parts of the U.S., university level research revealed that manufactured homes and conventional housing both appreciated, side-by-side, in neighborhoods.

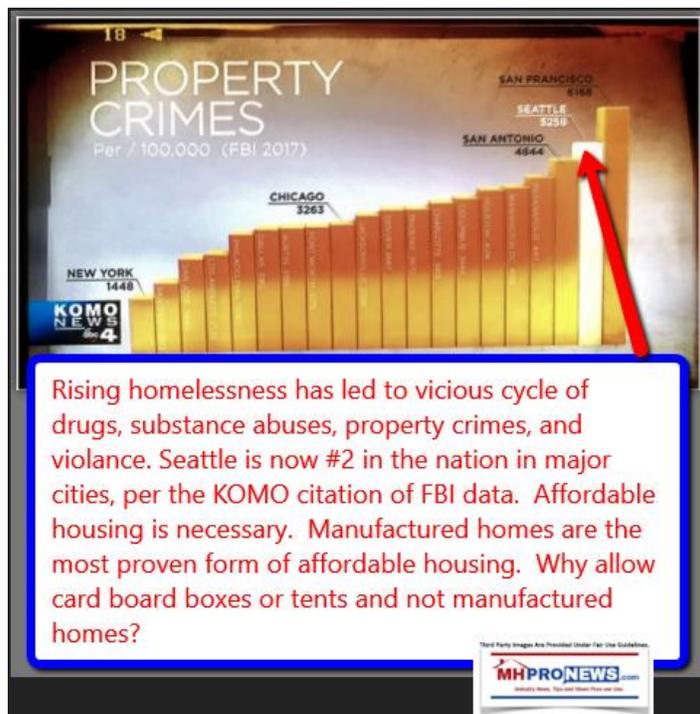
While Trulia didn't mention manufactured homes specifically, their research in 2018 underscored the fact that affordable housing doesn't harm the value of other conventional housing. What might hurt resale values? Tents, cars, and cardboard boxes - as in "Seattle is Dying" - where the homeless go who can't afford housing.



A rationale negative case for stopping Bryan's planned exclusionary limitations on manufactured homes has arguably been made in Seattle, Washington. Limit access to affordable housing, and you end up with more homelessness, drugs, and crime. Does Bryan want to go the way of the tragedy reported by KOCO in "[Seattle is Dying](#)" in their recent viral report?



*Which does Bryan want, tents or cardboard boxes next to conventional housing, or manufactured homes next to conventional housing?*



Rising homelessness has led to vicious cycle of drugs, substance abuses, property crimes, and violence. Seattle is now #2 in the nation in major cities, per the KOMO citation of FBI data. Affordable housing is necessary. Manufactured homes are the most proven form of affordable housing. Why allow card board boxes or tents and not manufactured homes?

Then, there is the legal argument, but before turning to that, let me note the following.

Stating the obvious can bring clarity. As trade publishers of the industry-leading ***MHProNews*** - along with our public focused sister-site, ***Manufactured Home Living News*** - we are de facto advocates for manufactured homes and their residents. We know first-hand through our personal and professional experiences that manufactured homes are an amazing, albeit misunderstood, solution for affordable housing that has been hiding in plain sight for years. No trade media outlet has interviewed more homeowners, professionals, and other advocates of manufactured homes than our platforms have. No one has documented and reported on more third-party research related to manufactured homes. No one has reported more millionaires, billionaires, or entertainers who live in a manufactured home, and find them appealing too.



Rephrased, we are widely acknowledged manufactured home experts, as well as advocates, and the our manufactured home industry's top publishers. Note that whatever you decide, we will report on it.

**That said, I'm cc'ing and bcc'ing a variety of interested parties in this message.**

Those so copied will included officials at HUD, the Texas Department of Housing and Community Affairs (TDHCA), various nonprofits, civil rights, faith-based, and other advocacy groups. We're also alerting with this message members of the mainstream media that cross the left-right political divide. This outreach will also include public officials, past and present, some of whom are currently exploring or are already declared candidates for the presidency in 2020. Plaintiffs attorneys are among those who will get this.

I've noted that affordable housing is a nonpartisan issue. The prior and current HUD Secretaries - Julian Castro and Ben Carson, M.D. - have both praised the need and importance of manufactured housing. That spans both Democratic and Republican Administrations.

But sadly, neither Democratic nor Republican Administrations to date have robustly enforced federal law on manufactured homes' [enhanced preemption under the Manufactured Housing Improvement Act of 2000 \(MHIA\)](#).

An Obama Administration era HUD official did send out a document, [linked here](#), to a local jurisdiction to remind them that federal preemption meant just that. Local authorities may not supersede federal law. But that has sadly not been a routine for HUD, and it arguably should be made so.

**Federal Enhanced Preemption for Manufactured Homes is an important legal argument.** But it is not the only one.

According to a HUD Comprehensive PD&R on Bryan, more than 1 out of 4 of the housing units planned at that time were for manufactured homes: **"Approximately 380 units are currently under construction and will satisfy a portion of the forecast demand. Notes: Total demand represents estimated production necessary to achieve a balanced market at the end of the forecast period. Includes demand for an estimated 100 mobile homes."** That was 10.1.2011. With the need for affordable housing rising, that number has likely risen with it.

The *Eagle* reported on 3.29.2019, **"The misinformation and the misunderstanding that this commission thinks any less of anyone that lives in a mobile home or the people that live in District 1 or 2, that this is an issue of class warfare, the haves versus the have-nots, is absolutely not true,"** said Commissioner Jody Rodriguez.

"Several residents who spoke, though, questioned the ethics of the eventual restriction of manufactured homes to only mobile home communities," per that same local media source in your city.

**"Not everyone lives the same way, but a home is a home,"** said Sedrick Gilbert. **"If you work for your home, who are you to tell someone else theirs is not good enough? To put people — to segregate them, is what you're doing."** The *Eagle* added, "Lakeisha Carroll described feeling **"trapped"** in the mobile home community she's lived in for the past 15 years, where the rent has more than doubled. Carroll said she has been preparing land she purchased on New York Street for her family to relocate to and worries about how the proposal could affect those plans."

Among those who have advocated to stop this arguably flawed and treacherous proposed ban on manufactured homes is a former city councilman and Castle Heights President Rafael Peña, per *KBTX*. He's Hispanic, and numbers of people of color are reportedly in his former district. They would be harmed, said Peña, by this pending proposal.

That's also legally noteworthy.

The reason is that it raises the principle of Affirmatively Furthering Fair Housing (AFFH), upheld by the U.S. Supreme Court in a fair housing case dubbed *Texas Department of Housing and Community Affairs v. The Inclusive Communities Project*. Are the city leaders acting in a way that is discriminatory toward the interests of minorities or other protected classes?

A local student group has been provided a document, [linked here](#). It lays out some of the facts noted herein, but references others too. The Young Dems of BCS have been protesting this pending plan in Bryan, see links [here](#) and [here](#).

We as advocates hope that Bryan will prudentially reverse course and halt this arguably wrongful and flawed policy proposal. Perhaps those students and others will use that document, or the information linked herein, to debunk your city's arguably flawed scheme. If necessary, before or after passage, they could organize and sue Bryan for the harm that such a policy would cause to thousands of your residents.

**Manufactured Home:** Factory built to meet the performance standards of federal HUD Code. Given a red HUD label upon final inspection, affixed to each section at the rear. Built on frame/chassis, but rarely moved once installed. \*

**Mobile Home:** Typically refers to units built before 1976 and most similar to a trailer; occasionally used to refer to units built after 1976, despite the fact these units are technically (and legislatively) defines as manufactured homes.

**Modular Home:** Factory-built with some on-site assembly and some on-site construction, built to meet prescriptive standards of state and local codes. Chassis is optional.

**Panelized Home:** Factory-built panels are assembled on site and supplemented with on-site construction to meet prescriptive standards of state and local codes.

**Trailer Home:** Can be hitched to an automobile and moved, NOT built to a federal code. Also referred to as campers.

**Source:** Bradley, Donald S. 1997. "Will Manufactured Housing Become Home of First Choice?," *Freddie Mac 1997 Mortgage Market Trends*, pp. 29-33.

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\* Definition per L.A. 'Tony' Kovach.

Equal Justice - a nonprofit- has already [successfully sued a city in Arkansas](#). Another case by Equal Justice is pending to protect the rights of Americans to live in manufactured homes. Should the City of Bryan pass this change of zoning, there will almost certainly be a major legal action, perhaps a class action, and potentially federal or state actions should Bryan's civic leaders enact such a problematic and controversial plan.

We are calling on presidential campaigns, federal officials, nonprofits, and all those keen on preventing the tragedy of Seattle from occurring in Bryan, or anywhere else.

Senator Elizabeth Warren used the wrong terminology, but she noted in a statement in the U.S. Senate the [need for affordable manufactured homes](#).

President Donald J. Trump, First Lady Melania Trump and a number of other public officials showed respect to the residents of manufactured homes when [they visited a community hit by a hurricane in 2017](#).

But the truth is that all but a few in Bryan will ultimately be harmed if this policy goes through there.

With some 22 million Americans living in a pre-HUD Code mobile home, or post June 15, 1976 HUD Code manufactured home, that is a voting block that will be desirable. As more of the nation's 100 million living in rental housing discover that they can own a manufactured home for about the same

or less than rent, some of them will likely be keen to support candidates who support enforcement of federal laws that makes this option available to them.

**It is long overdue to decide if federal laws will be respected and enforced.** The Trump Administration has said that they are in the promise-keeping and law-enforcement business. HUD Secretary Ben Carson has promised the industry a new era of cooperation, as he has repeatedly praised manufactured homes, including statements made under oath in Senate testimony.

Who will act to bring sanity to this issue in Bryan?



**“Most men appear never to have considered what a house is, and are actually though needlessly poor all their lives because they think that they must have such a one as their neighbors have.”**

- Henry David Thoreau, in *Walden*, per Goodreads.



Trailer Houses Aren't = to Mobile Homes

Mobile Homes Aren't = to Manufactured Home

# FACTORY HOUSING EVOLUTION 101





Whatever the hidden or stated agendas may be in your fine community of Bryan, it will likely be revealed. Let me respectfully urge - addressing you as someone who has experienced first-hand the virtues and appeal of this form of affordable housing - that manufactured homes are a vastly better option than your community becoming a city that years from now resembles the streets, neighborhoods, parks, and underpasses of Seattle, with thousands tragically living in tents, cars, or cardboard boxes.

That's avoidable. Affordable housing is good for an economy. Blocking them is thus costly, as the report linked below outlines.



A vote for this plan is tantamount to a vote to:

- violate federal laws,
- Constitutionally protects rights,
- and to turn Bryan into a troubled city where drugs, [crime](#), and hopelessness abounds.

A vote to stop this tragedy-in-the-making in your city is a vote for the good people who need and deserve a path to affordable home ownership. That in turn is good for your economy, long-term, as the final linked report above outlines.

In summary, there are well documented economic, moral, and legal reasons to **stop this plan to eliminate the city's MU-1 mixed-use residential district zoning.**

Affordable manufactured homes are a wise and appealing solution. Don't let ignorance, bias, prejudice, or hidden agendas obscure these well documented realities. Please don't make that mistake. Kindly confirm you have this document and thank you for your time and attention to these linked issues and concerns.

Respectfully submitted,

*Tony*

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***Whether you think you can or whether you think you can't, you're right.*** - Henry Ford