

April 4<sup>th</sup>, 2016

Regulations Division,  
Office of General Counsel  
Department of Housing and Urban Development  
451 7th Street SW., Room 10276  
Washington, DC 20410-0500

Colette Pollard  
HUD Reports Liaison Officer  
Department of Housing and Urban Development  
451 7th Street SW., Room 2204  
Washington, DC 20410

RE:      Manufactured Home Procedural and Enforcement Regulations; Revision of Exemption of  
          Recreational Vehicles  
          Docket Number: FR-5877-P-01

Dear Sir/Madam:

I wish to submit the following comments regarding the current proposed rule by the Department of Housing and Urban Development (HUD) regarding, among other issues, the language exempting recreational vehicles in the new Section 3282.15.

I am an owner of a Recreational Vehicle Park in Texas. My primary business is to provide a service to those who travel in their recreational vehicle. RV Parks, and tourism in general, is big business in Texas. The travel industry in Texas has a direct economic impact of \$70.5 billion and supports more than 1.1 million jobs. State and local tax revenues generated by the industry represents almost 8 percent of all state and local tax revenues in Texas.

In addition to the expressive tourism figures provided above, because of the large land mass that is Texas, many industries depend on various methods of traveling for their business and the industry they work. For example, the Texas oil and gas industry is an economic engine in Texas. Despite the recent dip in oil prices, the oil and natural gas industry anchors our economy by creating high-paying jobs and by generating revenue, including \$13.8 billion in FY' 2015 (\$15.7 billion in FY' 2014) in taxes and royalties that directly fund our schools, roads and emergency services. It doesn't stop there. The oil and natural gas industry is central to our lives, producing products and materials that we use every day like plastics, medicines, computers, life-saving devices and much more.

Many oil and gas workers are employed from exploration points all around the state. Many of these jobs range from a few months to a few years. Recreational vehicles provide the kind of flexibility needed for those works to get from place to place to be able to earn a living and keep the oil and gas flowing to domestic and international markets. And there are many more examples I can provide including a number of professional and trade industries such as construction, utility and road building/maintenance, insurance, marketing, sales, medical, and education to name a few. All of which recreational vehicle parks currently and historically have provided park services for. Are motels to be the only choice? What

about the maritime industry? If HUD is taking a position on regulating person's living conditions then are there legitimate reasons for the number of people living in their boats and yachts that are docked year around down at the marinas? Are they are basically living in RVs without wheels? Clearly HUD is overreaching in its zeal to regulate what is not in its purview to regulate.

I find it ironic how the HUD establishment can single out an industry that provides services to a group of people based on their lifestyle choices.

The main purpose of my letter is to specifically request HUD not to adopt rules that limit the use of recreational vehicles to recreational use only. HUD's stated mission does not involve any regulation of recreational vehicles regardless of the history of HUD attempting to include recreational vehicles in its prior rulemakings. Attempting to further regulate and define recreational vehicles only hurts the overall industry by potentially creating confusion for the use of a recreational vehicle and thus potentially hurting sales and downsizing travel. Regulation of the use of the vehicle is best left to individual states to decide what is best for their communities and citizenry.

Regarding the invitation by HUD for the public to comment I would make these observations:

- Recreational vehicles should not be subject to the new part 3280. The design and manufacturing of the recreational vehicle could be built under NFPA 1192-15 or ANSI A119.5-09 standards and not be considered a manufactured home and to be used for whatever purpose the owner wishes.
- Texas already has established laws in this state as it relates to manufacturers, distributors, dealers, recreational vehicle parks and use of vehicles as defined. There are also laws that are specific to manufactured housing that have no relation to or effect on or regulation of recreational vehicles. Should Texas see a need for further changes governing these areas of law it will do so in coordination with local businesses and citizenry. This idea comports with the pre-emption orders in 2009 Federal Executive Orders 131312 (1999) and 24693 (2009) and other previous Executive Orders to "make every reasonable effort....specifying the pre-emption effect, If any, to be given to the regulation" and "Executive departments and agencies should be mindful that in our Federal system, the citizens of the several States have distinctive circumstances and values, and that in many instances it is appropriate for them to apply to themselves rules and principles that reflect these circumstances and values".

In addition, the proposed rule solicits comment from the public on other facets of the proposed rule:

- (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

No, the collection of information in this proposed rule is not necessary for the proper function of the agency and whether the information will have practical utility. The stated mission of the Housing and Urban Affairs Department is to *"create strong, sustainable, inclusive communities and quality affordable homes for all. HUD is working to strengthen the housing market to bolster the economy and protect consumers; meet the need for quality affordable rental homes; utilize housing as a platform for improving quality of life; build inclusive and sustainable communities free from discrimination, and transform the way HUD does business."* Nothing in the HUD mission statement reflects the regulation of recreational vehicles.

- (2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

No, the agency does not estimate the burden of the proposed rule that will have an adverse effect on recreational vehicle manufacturers, R.V. Park operations, traveling business and tourists. As stated

above, Texas businesses have a tremendous economic impact on the economy and HUD's attempt to redefine a recreational vehicle is out of bounds for the agency's jurisdiction.

(3) Whether the proposed collection of information enhances the quality, utility, and clarity of the information to be collected;

No, the proposed collection of information does not enhance the quality, utility, and clarity of the information collected. In fact, the collected information further confuses the issue of HUD's mission and their regulation of manufactured housing and other affordable home jurisdictional aspects.

(4) Whether the proposed information collection minimizes the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology (*e.g.*, permitting electronic submission of responses).

(No comment)

According to the background information in the proposed rule, since 1974 the HUD has been establishing various standards for manufactured or mobile homes. Various additional regulations have been promulgated over the years and have made attempts to exempt recreational vehicles in one form or another in distinguishing them from a mobile home or manufactured home. HUD has continued to modify these regulations over the years leading up to this proposed rule.

I believe that HUD should not attempt to regulate recreational vehicles when its main mission intends to regulate housing. Recreational vehicles are not housing and therefore, should not be any part of any further rulemaking.

By attempting to redefine a recreational vehicle only makes it confusing for the manufacturer and the end-user, the customer. Attempting to redefine a recreational vehicle also puts HUD in the position to unintentionally regulate the use of the recreational vehicle and thus, regulate the owner of the recreational vehicle his or her use of the vehicle. This is no place for a federal agency to attempt to decide for the individual, how property can or cannot be used.

I respectfully request that this proposed rule be dismissed and leave current rules already adopted in place.

Respectfully yours,