October 28, 2026

The Honorable Scott Turner
Secretary
U.S. Department of Housing and Urban Development
451 7th Street SW
Washington, DC 20410

Re: Shared Concerns Regarding Published Best Practices for Home Construction and Three Pending HUD Actions Affecting Disaster Resilience, Flood Risk, and Recovery

Dear Secretary Turner:

The undersigned organizations write to express shared concern regarding the Department of Housing and Urban Development's (HUD) published State and Local Best Practices for Home Construction (the "Best Practices") and three recent or pending HUD actions that, taken together, risk weakening the nation's framework for disaster resilience, flood risk management, and post-disaster recovery: 1) the proposed rescission of most of the 2024 Federal Flood Risk Management Standard (FFRMS); 2) the proposed rule revising the regulatory definition of "manufactured home"; and 3) the Request for Information (RFI) on the Community Development Block Grant–Disaster Recovery (CDBG-DR) allocation formula.[1]

Comment periods on all three of these dockets have closed, and some of the undersigned organizations filed separate comments. We write jointly because these concerns are shared across the resilience, hazard-mitigation, and disaster-recovery community, and because they track the objectives of the President's June 2026 National Resilience Strategy — prioritizing risk, modernizing systems, and simplifying governance — which says that "[i]nstead of rebuilding the same thing and expecting a different outcome, we must transform our methods" (Strategy at 3).[2] We urge the Department to weigh the concerns below in that light. We also share the goals of Executive Order 14394 — Removing Regulatory Barriers to Affordable Home Construction — and believe the positions below are consistent with them.[3]

Above all, we write because the Best Practices and the pending actions diverge, in different ways, from the direction Congress set in the *Disaster Recovery Reform Act of 2018* (DRRA), which President Trump signed into law after its broad bipartisan passage in the 115th Congress.[4] DRRA directed that federal recovery assistance conform to "the latest published editions of relevant consensus-based codes, specifications, and standards that incorporate the latest hazard-resistant designs,"[5] and it made a jurisdiction's adoption and enforcement of those editions part of the pre-disaster mitigation framework, funded through a set-aside from disaster-relief spending.[6] The aim was to build to current codes so that

[1] Docket Nos. FR-6527-P-01 (RIN 2506-AC60); FR-6537-P-01 (RIN 2502-AJ80); FR-6337-N-02.
[2] The White House, National Resilience Strategy (June 2026) (the "Strategy").
[3] Executive Order No. 14394, Removing Regulatory Barriers to Affordable Home Construction, 91 Fed. Reg. 13,207 (Mar. 18, 2026) (signed Mar. 13, 2026) (the "Order").
[4] Disaster Recovery Reform Act of 2018, Pub. L. No. 115-254, div. D (enacted Oct. 5, 2018) ("DRRA").
[5] 42 U.S.C. § 5172(e)(1)(A)(ii), as amended by DRRA § 1235(b).
[6] 42 U.S.C. § 5133 (Stafford Act § 203, as amended by DRRA § 1234).

homes and facilities are safer, more insurable, and less costly to repair — an aim the Order shares when it names increasing "insurability" (Order § 2(a)) and the Strategy reaffirms when it calls for "strengthening insurance markets" and "rewarding policyholders for adopting best practices" (Strategy at 7).

I. HUD's Best Practices Should Be Reconciled With the *Disaster Recovery Reform Act* and the Evidence on Building Codes

HUD's State and Local Best Practices report, issued pursuant to the Order, encourages states and localities to bar "retroactive application of new or changed building codes," to "[e]liminate or sunset" "non-evidence-based building codes," and to prohibit code add-ons "except as necessary for disaster recovery or resilience." The Order likewise targets "unreasonable building-code-adoption timelines" (Order § 4(a)(ii)).

We share the goal of lower housing costs and welcome the resilience exception. But the Best Practices do not mention DRRA, FEMA's consensus-based codes policy regarding its response and recovery federal assistance grants, or insurability, and read broadly they could be used to freeze jurisdictions on outdated code editions or delay adoption of hazard-resistant provisions.[7]

Consensus-based codes and standards do not warrant that treatment.[8] They are updated on a regular, published schedule; proposed changes are extensively debated and weighed by standards-development organizations, including for costs and benefits; and they apply prospectively to new construction. A 2026 University of Alabama study of 45 state code adoptions across 26 states found no systematic increase in home prices and no evidence that builders shifted activity to neighboring jurisdictions.[9] We urge HUD to clarify that "retroactive" refers to existing structures, not new construction and rebuilding, and that "non-evidence-based" does not reach codes developed through consensus processes.

II. HUD Should Harmonize the CDBG-DR Allocation Formula With FEMA's Resilience Standards

On the CDBG-DR allocation-formula RFI, we urge HUD to harmonize the code and standards conditions attached to CDBG-DR-funded rebuilding with FEMA's consensus-based codes and standards policy for Public Assistance.[10]

A single disaster-affected community can face differing federal code and standards conditions depending on whether FEMA Public Assistance or HUD CDBG-DR dollars are paying for the rebuild. That inconsistency confuses grantees, invites arbitrage toward the lower standard, and undercuts the

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[7] U.S. Dept. of Housing and Urban Development, State and Local Best Practices for Home Construction 2 (2026), https://www.hud.gov/hud-partners/state-and-local-best-practices. Citations are to item numbers under "Cost: Reduce Home Construction Costs" (items 2.a–2.d, 3.a).

[8] We take no position on any individual standards-development organization or code family. Consistent with the Disaster Recovery Reform Act of 2018, we urge HUD to describe the codes it expects new construction to meet as "the latest published editions of relevant consensus-based codes, specifications, and standards that incorporate the latest hazard-resistant designs," and, where relevant, to describe a qualifying code developer as an "accreditation entity domiciled in the United States" rather than by reference to any single accreditation scheme. See DRRA, supra note 4; 42 U.S.C. § 5172(e).

[9] S. Awondo, S. Crawford & L. Powell, Do Housing Prices Change with Building Codes? (Univ. of Ala., June 8, 2026), SSRN No. 6896198, at 1, 25–27.

[10] Federal Emergency Management Agency, Public Assistance Program and Policy Guide, Version 5.0 (FP 104-009-2), Appendix M, at 322 (effective Jan. 6, 2025).

premise of federal recovery policy since the *Disaster Recovery Reform Act*: that money spent rebuilding should reduce the risk of paying to rebuild again. Further, it cuts against the Strategy's "Simplify" tenet — "[u]nnecessary bureaucracy weakens national resilience" (Strategy at 4) — and its call for states and localities to "treat rebuilding as an opportunity to develop their resilience, reliability, and long-term performance" (Strategy at 7).

HUD's grant conditions should make that the path of least resistance, by adopting the consensus-based framework FEMA already applies, using the accreditation-neutral formulation in note 6. A single, FEMA-consistent framework also serves the Order's goal of eliminating "[l]ayers of unnecessary regulatory barriers" (Order § 1): grantees would meet one consensus-based standard, not two.

III. The Proposed "Manufactured Home" Definition Should Not Weaken Resilience Outcomes

We are similarly concerned that HUD's proposed revision to the definition of "manufactured home" could expand new construction that is less resilient than modular- or site-built homes built to modern codes and standards. Our concern is not with manufactured housing – a critical part of the nation's affordable-housing supply – but with ensuring that a regulatory change does not set a lower resilience floor than the rest of new housing construction is held to.

The Strategy asks industry to "intentionally engineer resilience as the standard, not the exception" (Strategy at 7). We urge HUD to pair any revised definition with an explicit finding that homes built under it will meet or exceed the hazard-resistant design provisions of the latest published editions of relevant consensus-based codes and standards, so that a rule meant to modernize manufactured housing does not widen the resilience gap with site-built homes.

The Order and the Best Practices point the same way. The Order asks HUD to re-examine restrictions on manufactured and modular housing "on the basis of the construction method rather than objective standards for building and safety" (Order § 4(a)(iii)), and the Best Practices call for regulating such homes "using objective standards for building and safety rather than the construction method and process" (Best Practices, item 3.a). We agree, and the principle cuts in one direction here: manufactured homes should be measured against the same objective standards for building and safety as comparable site-built and modular housing, not a lower one — and, consistent with the DRRA, those standards should keep pace with the latest published editions of consensus-based codes.

IV. The Federal Flood Risk Management Standard Should Not Be Rescinded

We support the intent of the FFRMS and oppose its rescission. The Standard helps ensure that HUD-assisted construction in or near floodplains is elevated and designed for known current flood risk and for reasonably foreseeable future risk. Rescission will likely drive continued development and reconstruction of homes, businesses, and infrastructure in floodplains at elevations that do not adequately account for that risk.

The Strategy calls for "efficient, targeted investments with clear performance metrics with returns on investment" (Strategy at 4). Elevation is a direct, measurable way to deliver that. Structures built or rebuilt today with federal support will sit in the floodplain for decades, and underbuilding them invites the repeat flood losses, insurance strain, and federally funded reconstruction the Strategy seeks to end.

Congress took the same view in the DRRA, tying federal recovery assistance to "floodplain management and hazard mitigation criteria required by the President;"[11] rescinding the FFRMS would leave HUD-assisted rebuilding out of step with that direction. We urge HUD to retain the FFRMS or, at minimum, to pair any change with a clear, published elevation and design standard that HUD-assisted projects must continue to meet. The Order does not mention flood risk or direct HUD to relax flood-risk standards.

Conclusion

Each of these actions touches a different HUD program, but all turn on whether federal housing and recovery dollars reduce future disaster losses or lock in the conditions that produce them — the question the Strategy itself places at the center of resilience. Congress answered that question in DRRA by directing post-disaster repair and reconstruction to the latest published consensus-based codes and standards, and the Best Practices and the three pending actions should be reconciled with that answer. We urge HUD to recognize expressly the DRRA framework and FEMA's consensus-based codes and standards policy as it revises its guidance, regulations, and grant requirements under the Order (Order § 4(b)).

We would welcome the chance to discuss the Best Practices or any of the three dockets, or to provide technical input as HUD finalizes its approach.

Respectfully submitted,

American Property Casualty Insurance Association
American Society of Civil Engineers
American Society of Interior Designers (ASID)
Association of State Floodplain Managers
Big City Emergency Managers
BuildStrong America
Concrete Masonry & Hardscape Association
International Association of Emergency Managers
International Association of Fire Chiefs
League of California Cities
Montana League of Cities and Towns
National Electrical Manufacturers Association
National Emergency Management Association
National Fire Protection Association
National League of Cities
National Ready Mixed Concrete Association

[11] 42 U.S.C. § 5172(e)(1)(A)(ii).