



Gail Cardwell

MHI Calls Federal Weather Radio Legislation Shortsighted

On March 6, 2008, “CJ’s Home Protection Act of 2008” was introduced in the Senate by Sen. Evan Bayh (D – IN) The Manufactured Housing Institute (MHI) issued a statement calling Senate bill, S. 2724, shortsighted and has made clear its opposition to the bill.

If passed, it would force every new

manufactured home that is not installed pursuant to the FHA permanent foundation requirements to be equipped with weather radios.

Our members take severe weather incidents seriously. While MHI believes the Senate legislation, S. 2724, is well intended, it would not help the vast majority of people who may be in danger and is an ineffective approach to consumer safety. As witnessed, with this winter’s tornados, severe weather does not distinguish between buildings - residential or commercial, college dormitories, site built or manufactured homes. The bill would limit warnings solely to people occupying one kind of structure: those living in brand new manufactured homes.

Under the Manufactured Housing Improvement Act of 2000 (MHIA), all new manufactured homes are required to be sited to recently enacted state laws that either meet or exceed HUD’s model installation standard that was made final last year. HUD’s model standard was developed over several years by a consensus committee composed of state and local manufactured housing officials; consumers living in manufactured homes; and producers of manufactured homes.

The irony of S. 2724 is that it would not enhance warnings to the vast majority of individuals who live in areas of the country that experience severe weather patterns on a yearly basis. On the other hand, it would mandate weather radios in new manufactured homes in places like New Mexico and Arizona that do not experience severe weather patterns. A mandate imposed by the Federal Government for these areas is over-reaching.

S. 2724 also subverts the consensus committee process under the MHIA, which requires that all construction and safety issues relating to the HUD Code be considered by the committee. Once a consensus is reached, the committee forwards its recommendations to HUD for further action, including rulemaking. S. 2724 ignores the consensus process by requiring that the committee forward to HUD a weather radio mandate within 90 days of the bill’s enactment. It further requires HUD to issue a final order within 90 days of receipt of the mandate from the consensus committee.

Further, in the near future FHA will be proposing the elimination of the permanent foundations guide referred to in S. 2724. The guide is unevenly enforced, interpreted differently across the country, and causes confusion because it is inconsistent with the HUD model installation standard.

MHI supports the national disaster warning system (Warning, Alert, and Response Network Act - WARN), as it is a far superior public alert system as opposed to battery-operated weather radios and would protect more lives. The WARN system will provide federal, state and local emergency managers with a tool to input alerts into the system and have the directed out to a geographically target section of the population that may be in harm’s way.

Alerts would only be issued for hazards that pose a grave risk to public health and safety. This would avoid over activation of the system

that could result in individuals ignoring alerts that “cry wolf,” such as those that can occur with weather radios.

Everyone in potential danger from a tornado, hurricane, earthquake, chemical spill, or a terrorist attack deserves to be alerted via information sent directly to their cell phones and other wireless devices. We know that when disaster strikes, every minute counts. This Act will further help first responders save lives by keeping people out of impacted areas and providing them with timely, accurate information. More than 200 million American subscribe to wireless services.

The WARN Act, introduced by Sen. Jim DeMint (R- SC), and signed into law in 2006, provides a far superior public alert system regardless of where the individuals are located or what kind of technologies they use. Unlike weather radios, the WARN system will:

- Establish a network for the transmission of alerts across a broad variety of media, phones, blackberry, digital, analog, cable and satellite television and as well as traditional media and sirens.
- Provide federal, state and local emergency managers with the ability to send out targeted alerts to citizens at risk.
- Establish a grant program to help remote communities install sirens, particularly rural areas.
- Provide at least \$106 million for the research and development of technologies to operate these alert systems.

Under the WARN system, alerts will tell people to either shelter in place, give instructions to evacuate in certain directions depending on their location or to leave the impacted area altogether.

“While we have made considerable progress in the War on Terror, the WARN Act will make a tangible difference that will benefit every American. It allows us to use everyday cell phones to warn people at work or a mother picking up her kids from school. In the long run, danger can be avoided. These are the kind of innovative and common sense steps our citizens expect their government to take to improve preparedness,” said Sen. DeMint.

By way of background, the WARN Act was approved by a vote of 98-0 in the Senate, including Sen. Evan Bayh (D- IN) (who introduced the weather radio bill). S. 2724 cosponsors, Sens. Mary Landrieu (D- LA) and Richard Lugar (R- IN), also voted for the WARN Act.

Introducing S. 2724 at this time could impede progress in implementing the WARN Act and inadvertently impair consumer safety. MHI conducted a state executive’s call on March 10 to notify them and to enlist their grassroots support for opposition. MHI will continue to make its position known to the Senate. It is simply bad public policy.

All concerned industry members should contact their senators immediately and ask them to oppose S. 2724.

Gail Cardwell is president of MHI, the preeminent national trade association for the manufactured and modular industries, representing 90 percent of all manufactured homes and a significant share of modular homes produced across the U.S. Its members include all segments of the industries including home producers, components suppliers, financial service providers, retailers, community owners and operators, developers, insurers, and other parties interested in manufactured and modular housing. From its headquarters just outside Washington, D.C., MHI works to promote the benefits of manufactured and modular housing to relevant audiences.