

INTERPRETATIVE BULLETIN A-1-88

By regulation, the Department of Housing and Urban Development has exempted recreational vehicles, from the requirements for manufactured homes in the National Manufactured Housing Construction and Safety Standards Act of 1974 ("Act"). Recreational vehicles are defined in part as "a vehicle which is . . . 400 square feet or less when measured at the largest horizontal projections . . ." 24 C.F.R. § 3282.8(g)(2).

It has come to the Department's attention that confusion exists in both the manufactured housing and recreational vehicle industries. Specifically, questions have arisen concerning the correct method of measurement of homes for purposes of determining the applicability of the recreational vehicle exemption at 24 C.F.R. § 3282.8(g). In particular, there seems to be confusion about what is meant by the largest horizontal projection and what parts of the home are included in calculating the 400 square feet.

Accordingly, HUD interprets § 3282.8(g) as follows:

1. In calculating the square footage of a home, measurements shall be taken on the exterior of the home. The square footage includes all siding, corner trim, and molding, storage space, and area enclosed by windows but not the roof overhang.

This Interpretative Bulletin is issued pursuant to 24 C.F.R. §§ 3280.1(c) and 3282.113. The Secretary has received requests from both manufacturers and state officials urging immediate action on this matter so that home designs may be completed and policies clarified prior to the start of production for the new model year. Therefore, due to the need for an expeditious resolution of these issues, the Secretary deems it would not be in the public interest to issue this interpretation for public comment in the Federal Register or to otherwise treat this Interpretative Bulletin as rulemaking.

While this interpretation is effective immediately, the Department is aware that there has been genuine confusion on the part of certain manufacturers on how to calculate the qualifying measurements for the exemption and that there is a need for a time period in which to redesign homes that may be just over 400 square feet. Therefore, the Secretary will exercise his discretion to not enforce against manufacturers of such homes completed and ready for shipment prior to January 30, 1989 where the reason for exceeding 400 square feet was failure to measure all siding, corner trim or molding or failure to count the area enclosed by storage space or windows. However, the Secretary will not exercise this discretion and therefore may enforce with regard to homes where the floor decking in window projections is less than 12 inches higher than the regular home floor decking (sometimes known as "walk-a-bays") or where the projecting window area contains such a floor but also contains a shelf or platform that is designed to be removable. Such homes must immediately either comply with the requirements of Section 3282.8(g) or the construction and safety standards set forth in the Act and HUD regulations.

  
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Thomas T. Demery  
Assistant Secretary

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