

Alert | Environmental



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President Trump Issues Housing Affordability Executive Order

On March 13, President Donald Trump signed a new executive order entitled “**Removing Regulatory Barriers to Affordable Home Construction**.” The Order directs multiple federal agencies to examine and revise existing federal regulations and guidelines to reduce regulatory burdens on housing development and specifies rules and programs that should be “revised,” “reformed,” or “eliminated,” consistent with applicable law.

Environmental Rules and Guidance

According to the Order, the U.S. Environmental Protection Agency (EPA) and the Department of the Army are to review and revise Clean Water Act requirements “to reduce housing construction and ownership costs,” “reduce property tax burdens, and increase insurability,” including stormwater permitting and maximum daily loads rules, the “construction general permit for construction activity” (a nationwide permit, which is statutorily exempt from CWA and NEPA requirements). This review also includes federal standards for Section 404 wetlands permits and federal standards governing the assumption by states of the dredge and fill permit program.

The Council on Environmental Quality (CEQ) is directed to develop guidance for federal agencies’ National Environmental Policy Act (NEPA) reviews to “maximally exempt[] or reduce[] burdens on housing construction, preservation, adaptive re-use, and infrastructure that facilitates housing construction,” including through “the establishment, adoption, or application of categorical exclusions.”

The Advisory Council on Historic Preservation is directed to publish guidance on “maximally exempting, or reducing burdens” on housing construction and infrastructure from National Historic Preservation Act Section 106 review requirements “so that reporting requirements are no more burdensome than necessary.”

Energy and Water Conservation Rules

The Order directs the Agriculture, Housing and Urban Development, and Energy Departments and the Federal Housing Finance Agency (FHFA) to reform or eliminate unduly burdensome or costly energy-efficiency, water-use, or alternative energy requirements.

Housing Rules and Guidance

The Commerce, Housing and Urban Development, and Transportation Departments and the Federal Housing Finance Agency (FHFA) are directed “to consider eliminating unduly burdensome rules and reforming programs,” including:

- Economic Development Administration guidelines and investment priorities for development density (Commerce)
- Reconnecting Communities Pilot Program (Transportation)
- Pathways to Removing Obstacles to Housing Program (Housing and Urban Development)
- Guidelines and rules regarding chattel lending for manufactured housing and incentivizing low-balance home mortgages (FHFA)

State Best Practices

The Department of Housing and Urban Development, in coordination with the Assistant to the President for Domestic Policy, is to “develop and promulgate a series of regulatory best practices” for state and local governments to:

- promote affordable housing, including streamlining permitting processes, capping fees, relaxing building codes,
- curtail mandates that increase construction costs “such as green-energy building requirements or other energy choice restrictions,” “non-evidence-based building codes,” and unreasonable building code adoption timelines,
- re-examine restrictions on use of manufactured or modular housing

The Order exhorts states to use the tools at their disposal to require these practices, including making grant awards contingent on states’ compliance with them. § 4(b).

Observations

The Executive Order directs action by numerous federal agencies, but its ultimate effects are difficult to predict. Unusually, the Order does not require agencies to report to the White House on their efforts or set deadlines for them to take action. Also, previous executive orders issued by President Trump (e.g., to eliminate CEQ regulations or streamline permitting requirements for energy, data center, nuclear, and space exploration infrastructure), directed broader and more aggressive deregulatory actions across the

federal government, which may already have affected some of the targeted rules and programs. See, e.g., [Executive Order 14154](#), “Unleashing American Energy” (Jan. 20, 2025) § 5(b) (directing CEQ to revoke NEPA regulations); [Executive Order 14156](#), “Declaring a National Energy Emergency” (Jan. 20, 2025) §6(a) (“Agencies should ignore any considerations beyond legislated requirements in their environmental review and not use “methodologies that are arbitrary or ideologically motivated.”).

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