Populatory And		This space for use by IRRC			
Regulatory Ana					
Form					
(1) Agency					
Department of Community and Econom	ic Development				
(2) I.D. Number (Governor's Office Use	e)				
4-85		IRRC Number: 2554			
(3) Short Title					
Industrialized Housing and Components	3 · · · · · · · · · · · · · · · · · · ·				
(4) PA Code Cite	(5) Agency Contacts & Tele	ephone Numbers			
12 Pa. Code Chapter 145	Primary Contact: Matth	new Speicher, 717-720-7317			
	Secondary Contact: Mark Conte, 717-720-7416				
(6) Type of Rulemaking (check one)	(7) Is a 120-Da	y Emergency Certification Attached?			
☐ Proposed Rulemaking X Final Order Adopting Regulation ☐ Final Order, Proposed Rulemaking	1 ==	ne Attorney General ne Governor			
(8) Briefly explain the regulation in clea	r and nontechnical language.				
The purpose of this proposed regular energy conservation for industrialized efficiency bringing Industrialized Freduce the number of required inspections.	ted homes and adopt the mod lousing on par with the Penn	del code requirements for energy			
(9) State the statutory authority for the re-	egulation and any relevant sta	ate or federal court decisions.			
Section 5 of the act of May 11, 197 35 P.S. § 1651.1 et seq.	2 (P.L. 286, No. 70), known	as the Industrialized Housing Act,			

Regulatory Analysis Form

(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

No.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

Adoption of the IRC provision for energy efficiency of industrialized homes, or as an alternate Pennsylvania's Alternative Residential Energy Provisions will provide parity with conventional housing constructed under the Pennsylvania Uniform Construction Code as well as industrialized homes constructed for shipment to other states.

The required biannual inspections of every approved plant have proven problematic. Several approved manufacturing plants build relatively few homes for placement in Pennsylvania. Allowing the Department to reduce the number of inspections conducted at each plant will reduce operating costs and improve efficiency of the operation.

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

Without this regulation, industrialized housing will lag behind the rest of the housing industry in terms of an out of date energy standard. Adoption of the model energy standards will result in improved energy efficiency in the homes produced and allow manufacturers to utilize newer technology in designing heating and cooling systems.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

The industrialized housing industry will benefit as they reach parity with site built homes constructed under the UCC. Also industrialized home producers will be able to utilize computer software programs for calculating the energy efficiency of the homes. This will result in cost savings for the consumer as the homes will become more energy efficient. The Department will benefit by being able to focus attention where it is needed rather then performing inspections at facilities that are superior performers or those that produce very few homes.

Regulatory Analysis Form

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

There will be no adverse affects from this regulation.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

Approximately 65 modular home manufacturers will be required to comply with these regulations.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

The Department has had formal meetings with the Modular Building Systems Association (MBSA) and the Pennsylvania Manufactured Housing Association (PMHA) membership and several discussions with industrialized home manufacturers and approved inspection agencies regarding this regulation.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

Any increase in costs to the industry would be negligible. The majority of manufacturers presently exceed the current provisions and build homes that comply with the proposed standard.

(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

None.

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

While the Department is looking to reduce the number of required inspections at each plant per year, we estimate the total number of inspections will remain unchanged. This is in part a result of additional production facilities seeking approval each year and, when granted the flexibility to focus our inspection efforts, we are looking to increase inspections at specific plants when warranted.

Regulatory Analysis Form

(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community						
Local Government					·	
State Government						
Total Savings	N/A	N/A	N/A	N/A	N/A	N/A
COSTS:						
Regulated Community						
Local Government						
State Government						
Total Costs	N/A	N/A	N/A	N/A	N/A	N/A
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						1
Total Revenue Losses	N/A	N/A	N/A	N/A	N/A	N/A

(20a) Explain how the cost estimates listed above were derived.

1) The vast majority of manufacturer's presently comply with the proposed energy conservation standards and have reported that this change will not impact the cost of the home.

2) While plant inspections would be reduced from twice per year to once per year, the total number of inspections would remain unchanged as every year additional plants seek approval and the additional inspections could be focused where needed.

Program	FY -3	FY -2	FY -1	Current FY
ndustrialized Iousing Program	\$80,666	\$118,752	\$161,683	\$172,862
dustrialized Hou	sing producers as th	ngs to the program. Be ne homes produced wo in terms of regulatory	uld achieve a higher	level of quality and
	nonregulatory altern ns for their dismissa	natives considered and	the costs associated	with those alternativ
			the costs associated	with those alternativ
rovide the reasor			the costs associated	with those alternativ
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Regulatory Analysis Form
(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.
No.
(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania
at a competitive disadvantage with other states?
The change to eliminate the exception to the adopted standard for energy conservation and adopt the
IRC for energy conservation will raise the level of quality for Pennsylvania industrialized homes to the same level of quality required in other states. Nothing in these regulations will create a
competitive disadvantage for the Pennsylvania industry.
(26) Will the regulation effect existing or proposed regulations of the promulacting agency or other state.
(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.
No.
No.
(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.
The Department does not anticipate scheduling any public hearings. However, an informational meeting or teleconference will be held to discuss these changes with the industry.
incerning of teleconference with be held to discuss these changes with the incustry.

Regulatory Analysis Form	
(28) Will the regulation change existing reporting, record keeping, or other paper Describe the changes and attach copies of forms or reports which will be require implementation, if available.	
No.	
(29) Please list any special provisions which have been developed to meet the paffected groups or persons including, but not limited to, minorities, elderly, smal farmers.	
N/A.	
(30) What is the anticipated effective date of the regulation; the date by which c regulation will be required; and the date by which any required permits, licenses be obtained?	· -
The regulation will become effective within 60 days after publication of the Pennsylvania Bulletin.	final regulation in the
(31) Provide the schedule for continual review of the regulation.	
After the Pennsylvania industrialized housing program fully adopts the IRC and no further regulatory changes will be needed as the code will routinely update	

CDL-1

FACE SHEET FOR FILING DOCUMENTS WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

RECEIVED

2007 FEB 28 AM 11: 19

INDEPENDENT REGULATORY REVIEW COMMISSION

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to form and legality. Attorney General	Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:	Copy below is hereby approved as to form and legality Executive or Independent Agencies.
By:	Department of Community and Economic Development (Agency)	By: Deputy General Counsel Howew C. Clark
Date of Approval	Document/Fiscal Note No. 4-85 Date of Adoption: By: Kenneth Klothen	DEC 1 4 2006 Date of Approval
☐ Check if applicable. Copy not approved. Objections attached.	Title: Deputy Secretary for Community Affairs and Development	☐ Check if applicable. No Attorney General approval or objection within 30 days after submission.

TITLE 12. COMMERCE, TRADE AND LOCAL GOVERNMENT

PART V. COMMUNITY AFFAIRS AND DEVELOPMENT

SUBPART C. COMMUNITY DEVELOPMENT AND HOUSING

CHAPTER 145. INDUSTRIALIZED HOUSING AND COMPONENTS

PREAMBLE

The Department of Community and Economic Development, under the authority of Section 5 of the act of May 11, 1972 (P.L. 286, No.70), (35 P.S. § 1651.1 et seq.), known as the Industrialized Housing Act, hereby amends Title 12 of the Pennsylvania Code by revising Chapter 145. The purpose of the final regulation is to eliminate the exception for energy conservation for industrialized homes; to adopt the model code requirements for energy efficiency bringing Industrialized Housing on par with the Pennsylvania Construction Code; and to reduce the number of required inspections by the Department.

Introduction

The Industrialized Housing Act authorizes the Department to promulgate rules and regulations to interpret and make specific the provisions of the Act. Such rules and regulations, inter alia, are to be amended to "assure the health, safety and welfare of the people of Pennsylvania by requiring safe and sanitary industrial housing and shall include provisions imposing requirements reasonably consistent with recognized and accepted model codes." 35 P.S. § 1651.5. The purpose of this regulation is to provide parity with conventional housing constructed under the Pennsylvania Uniform Construction Code and industrialized housing constructed for other states. Adoption of the model energy standards will improve energy efficiency in housing produced and allow manufacturers to utilize newer technology in designing heating and cooling systems.

Following the public comment period, minor changes were made to the proposed regulation in order to clarify the standards. In Section 145.42(a)(2)(d), the word stairs was replaced with the word stairways in order to clarify that this standard applied to each stair in the stairway. In Section 145.42(a)(2)(e), the tense of a verb was changed in order to make the sentence consistent.

Analysis

Section 145.41 is amended to adopt the ICC International Energy Conservation Code and the ICC International Residential Code as additional standards applicable to the industrialized housing and housing components for purposes of this chapter and to remove the energy conservation and stair geometry exceptions to the ICC International Building Code.

Section 145.42 is amended to provide the International Energy Conservation Code and Pennsylvania's Alternative Residential Energy Provisions as the alternatives to Section 145.41 with respect to energy efficiency. The ICC International Residential Code is removed as an alternative because it will be adopted as a standard in Section 145.41. The amendment also provides alternate standards regarding stairway construction.

Section 145.93 is amended to replace the biannual inspection requirement with an annual inspection requirement.

Fiscal Impact

- (a) Commonwealth. While striving to reduce the number of required inspections per year at each plant, the Department estimates the total number of inspections will remain unchanged. This is in part a result of additional production facilities seeking approval each year, and increased inspections at warranted plants once granted the ability to focus Department inspection efforts.
- (b) Political Subdivisions. There will be no fiscal impact on political subdivisions.
- (c) Public. Any increased costs to the industry would be negligible. The majority of manufacturers presently exceeds the current provisions and builds homes that comply with the proposed standard.

Paperwork

The proposed regulation will not change existing paperwork requirements.

Regulatory Review

Under Section 5(a) of the Regulatory Review Act, the Act of June 30, 1989 (P.L. 73, No. 19), (71 P.S. §§745.1 - 745.15), the agency submitted a copy of the Notice of Proposed Rulemaking, published at 36 Pa. B. 3820, on (date) to the Independent Regulatory Review Commission, the Chairperson of the House Commerce and Economic Development Committee, and the Chairperson of the Senate Community and Economic Development Committee for review and comment. In compliance with Section 5(c), the agency also provided the Commission and the Committees with copies of all comments received, as well as other documentation.

In preparing this final form regulation the agency has considered all comments received from the Commission, the Committees and the public.

This final form regulation was [deemed] approved by the House Committee on (date) and [deemed] approved by the Senate Committee on (date). The Commission met on (date) and [deemed] approved the regulation in accordance with Section 5(c) of the Act.

Effective Date/Sunset Date

- (a) The regulation will become effective 60 days after final publication in the Pennsylvania Bulletin.
 - (b) The regulations are monitored on a regular basis and updated as needed.

Contact Person

Interested persons are invited to submit in writing any comments, suggestions or objections regarding the proposed regulation to Matthew J. Speicher, Assistant Counsel, Office of Chief Counsel, Department of Community and Economic Development, Commonwealth Keystone Building, 4th Floor, 400 North Street, Harrisburg, PA 17120 (717-720-7317); and/or Mark Conte, Chief, Housing Standards Division, Office of

Community Development, Department of Community and Economic Development, Commonwealth Keystone Building, 4th Floor, 400 North Street, Harrisburg, PA 17120 (717-720-7416).

ANNEX A

TITLE 12. COMMERCE, TRADE AND LOCAL GOVERNMENT PART V. COMMUNITY AFFAIRS AND DEVELOPMENT SUBPART C. COMMUNITY DEVELOPMENT AND HOUSING CHAPTER 145. INDUSTRIALIZED HOUSING AND COMPONENTS

§ 145.41. Adoption of standards.

- (a) The following codes, which relate to the design, materials and method of construction of buildings, are adopted as the standards applicable to the industrialized housing and housing components for purposes of this chapter:
 - (1) The ICC International Building Code[, with the following exceptions:
 - (i) The specific article on energy conservation.
 - (ii) A manufacturer may elect to utilize the 1993 BOCA National Building Code, section 1014.6, exception # 8, with regard to stair geometry (rise & run).
 - (2) The ICC International Mechanical Code.
 - (3) The ICC International Plumbing Code.
 - (4) The International Energy Conservation Code.
 - (5) The National Electric Code (NFPA No. 70).
 - (6) The ICC International Residential Code (for one and two family dwellings and town homes).
- (b) Except as provided in §145.43 (relating to amendment policy), the codes must be the latest edition [including supplements]. The effective date of all code changes [or supplements] must be in accordance with §§145.44 and 145.122(b) (relating to adoption and effective dates—code amendments; and effective date).
- (c) [Insulation requirements shall have the following minimum thermal resistance ("R" values) through building sections—the total "R" value of a building section may be calculated by simply adding the individual "R" values of a building components—with the exception that the stated "R" value of one assembly, such as roof/ceiling, or wall or floor, may be increased and the "R" value for other components decreased if the

overall heat loss for the building envelope does not exceed the total heat loss which would result from conformance to the following individual requirements or the standards:

- (1) Ceilings adjacent to unheated areas: R=30.
- (2) Exterior walls and partition walls between heated and unheated areas: R=16.
- (3) Foundation walls applicable to heated basements and crawl spaces: R=10.
 - (4) Partition walls between apartments and other heated areas: R=11.
- (5) Floors over areas open to the outside and crawl spaces if foundation walls are not insulated in accordance with paragraph (3): R=19.
 - (6) Floors over unheated basements: R=11.
 - (7) Entrance doors: R=4.
 - (8) Supply ducts in unheated areas: R=5.
 - (9) Return ducts in unheated areas: R=3.5.
 - (10) Edge insulation for concrete slabs: R=8.
- (11) Windows must be double glazed or single glazed plus storm windows.
- (12) Vapor barriers, weather stripping and still sealer must be used where applicable.
- (13) Ventilation must be provided for the air spaces between insulated ceilings and roofs.
- (d)] Insulation technique and installation applicable to the floor or foundation wall is not always practical at the manufacturing facility. Industrialized-modular-housing [dealers,] builders or contractors may supply and install the required floor or foundation wall insulation. If the [dealer,] builder or contractor supplies and installs the required floor or foundation wall insulation, an assignment of responsibility shall be used. The assignment of responsibility shall be signed by the authorized respective [dealer,] builder or contractor prior to the industrialized-modular-housing unit leaving the manufacturing plant. A manufacturer is required to retain the copies of the assignment of responsibility sheets in his files for inspection by the Department. Periodic inspections will be made on units with [dealer,] builder or contractor-installed floor or foundation wall insulation.

Assignment of responsibility shall be on forms provided by the Department which will conform to the following:

ASSI	GNMENT OF	RESPONS	BILITY		
Го:					
	· · · · · · · · · · · · · · · · · · ·				
I HEDEDY ACCUME	THE DECD	MCIDII ITV	TOD COM	DI VINIC II	
I HEREBY ASSUME THE FLOOR AND/OR FOU					
MANDATED BY AMENDM					
COMMUNITY AND ECON					
UNDER THE PENNSYLVA					
1972.					
THIS ASSIGNMENT	OF RESPONS	SIBILITY SI	HALL APPL	Y TO THE	3
FOLLOWING HOME(S):					
[DEALER] <u>BUILDER</u> NAM	E:		. 		
CUSTOMER NAME:					
OOD FOINIDIC TO HAID.	· · · · · · · · · · · · · · · · · · ·				
MODEL:					
SERIAL NO.:				·	
	ite:	<u> </u>			
AUTHORIZED SIGNATUR [DEALER,]BUILDER, CON					
(TO BE COMPLETED AND		TO THE AR	OVE ADDI	PESS WITI	H
SIGNED CONFIRMATION.			OVERDDI	CDD 1111	
	,				

- [(e)](d) The provisions of the codes in subsection (a) that relate specifically to the interpretation, administration and enforcement of the codes and to matters which are not within the authority conferred on the Department by the act and this chapter are not adopted under this chapter and are not applicable in the administration and enforcement of this chapter. If there is an inconsistency or conflict between the provisions of a code adopted under this chapter and this chapter, this chapter will prevail.
- [(f)](e) Only listed and labeled materials listed for use as documented shall be used in all construction.

§ 145.42. Alternate standards.

(a) As an alternative to the primary codes specified in §145.41 (relating to adoption of standards), a manufacturer may elect to satisfy the requirements of the

following alternate standards. Copies of these documents are available through the respective promulgating agencies as defined in §145.47 (relating to acquisition of adopted codes and amendments):

- [(1) ICC International Residential Code except that with regard to stair geometry (rise and run), a manufacturer may elect to utilize the 1992 CABO One and Two Family Dwelling Code, Section R-213.1, Figure No. R-213.1; and HUD Minimum Property Standards for One and Two Family Dwellings (24 CFR 200.926 (relating to minimum property standards for one- and two-family dwellings)).
- (2) Insulation requirements and minimum requirements of § 145.41(c)(1)—(13).
 - (3) Electrical Code for One and Two Family Dwellings, NFPA No. 70.]
- (1) As an alternate to the ICC International Residential Code, Chapter 11 regarding energy efficiency, the manufacturer may use either:
 - (a) the prescriptive methods for residential buildings in the International Energy Conservation Code compliance guide containing State maps, prescriptive energy packages and related software published by the United States Department of Energy, Building Standards and Guidelines Program (REScheckTM) or
 - (b) Pennsylvania's Alternative Residential Energy Provisions developed by the Pennsylvania Housing Research Center at the Pennsylvania State University.
- (2) As an alternate to the ICC International Residential Code, Chapter 3-Building Planning, in regards to stairway construction, manufacturer may use the following standard:
 - (a) The maximum riser height shall be 8 ¼ inches. There may be no more than 3/8 inch variation in riser height within a flight of stairs. The riser height is to be measured vertically between leading edges of the adjacent treads.
 - (b) The minimum tread depth shall be 9 inches measured from tread nosing to tread nosing. There may be no more than 3/8 inch variation in tread depth within a flight of stairs.
 - (c) All treads may have a uniform projection of not more than 1 ½ inches when solid risers are used.

- (d) Stairways may not be less than 3 feet in clear width and clear head room of 6 feet 8 inches shall be maintained for the entire run of the stairway.
- (e) Handrails may project from each side of a stairway a distance of 3 ½ inches into the required width of the stairway.
- (b) Except as provided in §145.43 (relating to amendment policy), the codes must be the latest edition [including supplements]. The effective date of code changes [or supplements] must be in accordance with §§145.44 and 145.122(b) (relating to adoption and effective dates—code amendments; and effective date).

§ 145.93. Factory inspections; right of entry.

(a) Authorized inspections by Department.

(b) [Twice y] Yearly inspections. A factory or manufacturing facility with approved building system documentation shall be inspected at least [twice] once each year by the Department. The inspections are to verify the effectiveness of the sponsor's quality program and compliance with approved building systems documentation.



Independent Regulatory Review Commission c/o Alvin Bush 14th Floor, Harristown II 333 Market Street Harrisburg, PA 17101

Dear Mr. Bush:

Please Note, some copies of this regulation packet were mistakenly sent to incorrect addresses on February 13, 2007. If you have previously received this regulation, please consider today's date, February 28, 2007, as the beginning date of the review period.

Pursuant to Section 5 of the Regulatory Review Act, enclosed for your review is a final form regulation. The regulation submitted would amend Chapter 145 of Title 12 of the Pennsylvania Code.

Also enclosed is a regulatory analysis form pertaining to the regulation.

Concurrently with delivery of the regulation to you, the regulation has also been submitted to the House Commerce Committee and the Senate Community and Economic Development Committee for their respective review in accordance with the Regulatory Review Act.

Sincerely,

Matthew J. Speicher Assistant Counsel

Enclosures

cc: Christian Muniz, Legislative Liaison





Honorable Dick L. Hess, Minority Chairman House Commerce Committee Room 213 Ryan Office Building Harrisburg, PA 17120

Dear Representative Hess:

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Assistant Counse

Enclosures

cc: Christian Muniz, Legislative Liaison

✓ Alvin Bush, IRRC





Honorable Peter J. Daley, Chairman House Commerce Committee Room 214 Irvis Office Building Harrisburg, PA 17120

Dear Representative Daley:

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Sincerely,

Matthew J. Speicher **Assistant Counsel**

Enclosures

cc: Christian Muniz, Legislative Liaison ✓ Alvin Bush, IRRC



4th Floor



Honorable Gerald J. LaValle, Minority Chair Senate Community, Economic and Recreational Development Committee Room 458 Main Capitol Building Harrisburg, PA 17120

Dear Senator LaValle:

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Sincerely,

Matthew J. Speicher Assistant Counsel

Enclosures

cc: Christian Muniz, Legislative Liaison Alvin Bush, IRRC





Honorable Jane M. Earll, Chairman Senate Community, Economic and Recreational Development Committee Room 177 Main Capitol Building Harrisburg, PA 17120

Dear Senator Earll:

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Matthew J. Speicher Assistant Counsel

Enclosures

cc: Christian Muniz, Legislative Liaison
Alvin Bush, IRRC





Independent Regulatory Review Commission c/o Alvin Bush 14th Floor, Harristown II 333 Market Street Harrisburg, PA 17101

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Sincerely,

Matthew J. Speicher **Assistant Counsel**

Enclosures

cc: Christian Muniz, Legislative Liaison



Commonwealth

4th Floor

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE REGULATORY REVIEW ACT

I.D. NUMBE	R: 4-85
SUBJECT:	INDUSTRIALIZED HOUSING AND COMPONENTS
AGENCY:	DEPARTMENT COMMUNITY & ECONOMIC DEVELOPMENT
	TYPE OF REGULATION Proposed Regulation
X	Final Regulation
	Final Regulation with Notice of Proposed Rulemaking Omitted
	120-day Emergency Certification of the Attorney General
	120-day Emergency Certification of the Governor
	Delivery of Tolled Regulation a. With Revisions b. Without Revisions
	FILING OF REGULATION
DATE	SIGNATURE DESIGNATION
7/28/07 Be	HOUSE COMMITTEE ON COMMERCE & ECONOMIC DEVELOPMENT
Junie	Macan 2/28/07
Show	SENATE COMMITTEE ON COMMUNITY & ECONOMIC DEVELOPMENT
2/28/07	Kothy Cropper independent regulatory review commission
	ATTORNEY GENERAL (for Final Omitted only)
	LEGISLATIVE REFERENCE BUREAU (for Proposed only)

December 15, 2006