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INDEPENDENT REGULATORY REVIEW COMMISSION

333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

October 2, 2009

Honorable Frank Dermody
Majority Chairman
House Urban Affairs Committee
202 Irvis Office Building
Harrisburg, PA 17120

Honorable John M. Perzel
Minority Chairman
House Urban Affairs Committee
146 Main Capitol
Harrisburg, PA 17129

Re: Regulation #4-91 (IRRC #2776)
Department of Community and Economic Development
Industrialized Housing

Dear Representative Dermody and Representative Perzel:

On September 30, 2009, the Independent Regulatory Review Commission issued comments on the above regulation to the Department of Community and Economic Development and the standing committees. Enclosed is a copy of the letter and IRRC's comments dated September 30, 2009, which we inadvertently issued to the House Commerce Committee. We apologize for any inconvenience this may have caused.

Sincerely,

Kim Kaufman
Executive Director

wbg

Enclosure

cc: Honorable George Cornelius, Secretary, Department of Community and Economic
Development

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INDEPENDENT REGULATORY REVIEW COMMISSION

333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

September 30, 2009

Honorable George Cornelius, Secretary
Department of Community and Economic Development
Commonwealth Keystone Building
4th Floor
Harrisburg, PA 17120

Re: Regulation #4-91 (IRRC #2776)
Department of Community and Economic Development
Industrialized Housing

Dear Secretary Cornelius:

Enclosed are the Commission's comments for consideration when you prepare the final version of this regulation. These comments are not a formal approval or disapproval of the regulation. However, they specify the regulatory review criteria that have not been met.

The comments will be available on our website at www.irrc.state.pa.us. If you would like to discuss them, please contact me.

Sincerely,

Kim Kaufman
Executive Director
wbg
Enclosure

cc: Honorable Jane M. Earli, Majority Chairman, Senate Community, Economic and
Recreational Development Committee
Honorable Wayne D. Fontana, Minority Chairman, Senate Community, Economic and
Recreational Development Committee
Honorable Peter J. Daley, II, Majority Chairman, House Commerce Committee
Honorable Dick L. Hess, Minority Chairman, House Commerce Committee

Comments of the Independent Regulatory Review Commission



Department of Community and Economic Development Regulation #4-91 (IRRC #2776)

Industrialized Housing

September 30, 2009

We submit for your consideration the following comments on the proposed rulemaking published in the August 1, 2009 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Department of Community and Economic Development (Department) to respond to all comments received from us or any other source.

General - Statutory authority; Feasibility; Reasonableness; Implementation procedures.

The Department cites Section 5 of the Industrialized Housing Act (Act) for its authority to promulgate this proposed rulemaking. 35 P.S. §1651.5. Specifically, Section 5(a) sets forth the regulatory authority of the Department. In addition, the second subsection provides that:

The department shall hold public hearings on rules and regulations proposed to be promulgated, amended, or repealed, consistent with the provisions of the...“Administrative Agency Law”... and the “Commonwealth Documents Law.”

35 P.S. 35 P.S. §1651.5(b).

Although we recognize that the industry acknowledged the efforts of the Department in keeping affected parties informed and involved during the development of this regulation, it is unclear whether the Department held public hearings pursuant to Section 5(b) of the Act. If no hearing was held, the Department should provide an explanation and discuss whether it intends to do so before submitting a final-form regulation.