

<h1>Regulatory Analysis Form</h1> <p>(Completed by Promulgating Agency)</p> <p>(All Comments submitted on this regulation will appear on IRRC's website)</p>		<p>INDEPENDENT REGULATORY REVIEW COMMISSION</p> <p>2013 OCT 24 PM 2:11</p>
<p>(1) Agency Department of Community and Economic Development</p>		
<p>(2) Agency Number: 4-96 Identification Number:</p>		<p>IRRC Number: 3014</p>
<p>(3) PA Code Cite: 12 Pa. Code Chapter 149</p>		
<p>(4) Short Title: Manufactured Housing Improvement</p>		
<p>(5) Agency Contacts (List Telephone Number and Email Address): Primary Contact: Mark Conte, 717-720-7416, mconte@pa.gov Secondary Contact: Lisa Maiorana, 717-720-7330, lmaiorana@pa.gov</p>		
<p>(6) Type of Rulemaking (check applicable box):</p> <p><input checked="" type="checkbox"/> Proposed Regulation <input checked="" type="checkbox"/> Final Regulation <input type="checkbox"/> Final Omitted Regulation</p>		<p><input type="checkbox"/> Emergency Certification Regulation; <input type="checkbox"/> Certification by the Governor <input type="checkbox"/> Certification by the Attorney General</p>
<p>(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)</p> <p>These final regulations are required to implement the recent amendments to the Manufactured Housing Improvement Act. The act of November 29, 2004 (P.L. 1282) (No. 158) (35 P.S. Section 1658.1 <i>et seq.</i>), as amended by the act of May 8, 2012 (P.L. 257) (No. 40). The amendments expanded the department's authority to oversee the installation and construction standards for manufactured homes that have been moved from their original installation site. Additionally, these revisions to the current regulations are needed to draw a distinction between new and relocated manufactured homes and provide a mechanism for the department to establish the installation and construction standard guides required by the amended act.</p>		
<p>(8) State the statutory authority for the regulation. Include <u>specific</u> statutory citation.</p> <p>The act of November 29, 2004 (P.L. 1282) (No. 158) (35 P.S. Section 1658.1 <i>et seq.</i>), known as the Manufactured Housing Improvement Act, as amended by the act of May 8, 2012 (P.L. 257) (No. 40).</p>		
<p>(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.</p> <p>Yes, the act of May 8, 2012 (P.L. 257) (No. 40), amending the act of November 29, 2004 (P.L. 1282) (No. 158) (35 P.S. Section 1658.1 <i>et seq.</i>), known as the Manufactured Housing Improvement Act.</p>		
<p>(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as</p>		

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possible and approximate the number of people who will benefit.

The regulation is required as a result of the amendment to the Manufactured Housing Improvement Act. When implemented, these regulations will establish a reasonable, uniform standard for the installation and construction of manufactured homes that are moved from their original location. Not only will this help consumers assure that relocated manufactured homes are reasonably safe and properly installed, but will provide much needed guidance to local municipalities in their efforts to protect their citizens. Additionally, the regulations will provide the manufactured home industry a clear benchmark that will facilitate their efforts to provide affordable housing options to their customers.

(11) 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 regulations.

N/A

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

This regulation is very similar to programs in Virginia, Maryland, New Jersey, Minnesota, Rhode Island and North Dakota.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

Yes, buildings constructed under this program will be deemed to comply with the Pennsylvania Uniform Construction Code Act (Act 45-1999).

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

This regulation was written in consultation with a group of local municipal officials, trade association representatives, manufacturers, and inspection and evaluation agencies, collectively known as the Manufactured Housing Advisory Group.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

According to the U.S. Small Business Administration, for NAICS code 321991 (Manufactured Home Manufacturers), businesses with less than 500 employees are considered to be small businesses. Retailers and installers of used manufactured housing, all of whom are small businesses, will be positively affected by this regulation as they will have one clear uniform standard to follow for relocated manufactured home installations. Currently building code officials, in the absence of uniform standards, impose inconsistent standards. Under the uniform standard, relocated homes must conform to the standards to which the home was originally built. There are approximately 220 retailers and 450 installers of manufactured housing.

The impact on building code officials is minimal, in that this uniform standard will not create any additional duties. It simply clarifies to what standard the relocated homes will be held. Building code officials will be educated with respect to the uniform standard.

The public will benefit through enhanced performance and durability of these relocated homes.

It is impossible to estimate the number of homes this will affect.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

According to the U.S. Small Business Administration, manufactured home manufacturers with less than 500 employees qualify as small businesses.

Retailers and installers of used manufactured housing, all of whom are small businesses, will be required to comply with the regulation. There are approximately 220 retailers and 450 installers of manufactured housing.

Building code officials will be required to comply with the regulation. There are approximately 1500 building code officials in the Commonwealth.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

The regulations will end municipal requirements that are not compatible with the original home design. This will result in improved performance, safety and durability, while eliminating local requirements that increase cost and may have adverse impact on the relocated manufactured home, such as preventing its relocation or requiring unnecessary changes to the relocated home. The uniform standards for relocated homes will establish for all parties involved (retailer, installers, home owners, and building code officials) a consistent uniform standard. The uniform standard will not create any additional administrative or implementation costs.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

The manufactured housing industry currently complies with these requirements for new home installations. Expansion of these program elements to include all other homes will have minimal impact.

(19) 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. Explain how the dollar estimates were derived.

There will be no direct additional costs to the manufactured housing industry, which consist entirely of small businesses; however, these regulations will likely increase the demand for installer training and certification. With this regulation, all manufactured home placements will require the involvement of certified installers. Currently, certified installers are only required with new manufactured home installations.

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The department does not anticipate that there will be any costs or savings to local governments.

(21) Provide a specific estimate of the costs and/or savings to the **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

The department currently charges fees associated with the training and certification of new manufactured home installers. The department currently generates sufficient revenues to cover its expenses. The department anticipates that this regulation will increase the demand for certified installers, resulting in additional revenue for the department.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an

explanation of measures which have been taken to minimize these requirements.

See attached form.

(23) 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:	N/A	\$	\$	\$	\$	\$
Regulated Community						
Local Government						
State Government						
Total Savings						
COSTS:						
Regulated Community						
Local Government						
State Government						
Total Costs						
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses						

(23a) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY
No expenditures to date.				

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.

According to the U.S. Small Business Administration, for NAICS code 321991 (Manufactured Home Manufacturers), businesses with less than 500 employees are considered to be small businesses. There are approximately 220 retailers and 450 installers of manufactured housing, all of whom are small businesses, that will be subject to the regulation.

- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.

The regulation will not create any additional administrative or implementation costs.

- (c) A statement of probable effect on impacted small businesses.

It is not anticipated that this rulemaking will adversely impact small businesses.

- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

There is no less intrusive alternative to this regulation.

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

N/A

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

N/A

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;

According to the U.S. Small Business Administration, for NAICS code 321991 (Manufactured Home Manufacturers), businesses with less than 500 employees are considered to be small businesses.

All retailers and installers of used manufactured housing in Pennsylvania are small businesses, and all will be positively affected by this regulation as they will have one clear uniform standard to follow for relocated manufactured home installations. Thus, the establishment of less stringent compliance or reporting requirements for small businesses was not required.

- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;

All retailers and installers of used manufactured housing in Pennsylvania are small businesses, and all will be positively affected by this regulation as they will have one clear uniform standard to follow for relocated manufactured home installations. Thus, the establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses was not required.

- c) The consolidation or simplification of compliance or reporting requirements for small businesses;

All retailers and installers of used manufactured housing in Pennsylvania are small businesses, and all will be positively affected by this regulation as they will have one clear uniform standard to follow for relocated manufactured home installations. Thus, the consolidation or simplification of compliance or reporting requirements for small businesses was not required.

- d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation; and

All retailers and installers of used manufactured housing in Pennsylvania are small businesses, and all will be positively affected by this regulation as they will have one clear uniform standard to follow for relocated manufactured home installations. Thus, the establishment of performing standards for small businesses to replace design or operational standards required in the regulation was not necessary.

- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

All retailers and installers of used manufactured housing are small businesses, and all will be positively affected by this regulation as they will have one clear uniform standard to follow for relocated manufactured home installations. Thus, the exemption of small businesses from all or any part of the requirements contained in the regulation was not necessary.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

Data is not the basis for this regulation.

(29) Include a schedule for review of the regulation including:

- A. The date by which the agency must receive public comments: July 8, 2013
- B. The date or dates on which public meetings or hearings will be held: July 18, 2013
- C. The expected date of promulgation of the proposed

regulation as a final-form regulation:

December 10, 2013

D. The expected effective date of the final-form regulation:

90 days after publication

E. The date by which compliance with the final-form regulation will be required:

90 days after publication

F. The date by which required permits, licenses or other approvals must be obtained:

90 days after publication

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

These regulations are continually reviewed and updated as needed to keep the program current.



MANUFACTURED HOME CERTIFICATE OF COMPLIANCE

HOUSING STANDARDS DIVISION
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120-0225

CERTIFICATION

I certify that the manufactured home referenced on this form is assembled and installed in accordance with the approved designs provided by the manufacturer. I further certify that I will provide a copy of this completed form to the purchaser, code official and DCED as required by the Act of November 29, 2004 (P.L. 1282; No. 158) known as the Pennsylvania Manufactured Housing Improvement Act.

Installer Signature

Date

Print Installer Name

DCED ID#

HOME INFORMATION

Purchaser (if applicable): _____

Address of home installation: _____

City: _____ State: _____ Zip: _____

Date of installation: _____

Manufacturer Name: _____

Manufacturer Address: _____

City: _____ State: _____ Zip: _____

Retailer Name: _____

Retailer Address: _____

City: _____ State: _____ Zip: _____

Serial Number: _____

Date of Manufacturer (from data plate): _____

Construction Code Official: _____

Municipality: _____

County: _____

ORIGINAL ONLY	
Date Received: _____	Received by: _____
Recorded Shipment Report Label Number(s): _____	

CDL-1


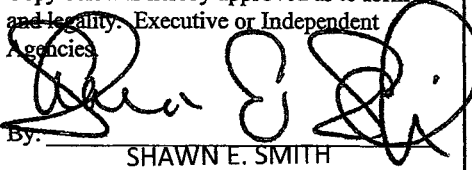
**FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU**

(Pursuant to Commonwealth Documents Law)

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DO NOT WRITE IN THIS SPACE

<p>Copy below is hereby approved as to form and legality. Attorney General</p> <p>By: _____ (Deputy Attorney General)</p> <p>_____</p> <p>Date of Approval</p> <p><input type="checkbox"/> Check if applicable. Copy not approved. Objections attached.</p>	<p>Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:</p> <p>Department of Community and Economic Development (Agency)</p> <p>Document/Fiscal Note No. 4-96 Date of Adoption: _____</p> <p>By:  _____</p> <p>Title: Deputy Secretary of DCED (Executive Officer, Chairman or Secretary)</p>	<p>Copy below is hereby approved as to form and legality. Executive or Independent Agencies</p> <p>By:  _____ SHAWN E. SMITH</p> <p>OCT 21 2013</p> <p>_____</p> <p>Date of Approval</p> <p>(Deputy General Counsel) (Chief Counsel, Independent Agency) (Strike inapplicable title)</p> <p><input type="checkbox"/> Check if applicable. No Attorney General approval or objection within 30 days after submission.</p>
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NOTICE OF FINAL RULEMAKING

TITLE 12. COMMERCE, TRADE AND LOCAL GOVERNMENT

Part V. COMMUNITY AFFAIRS AND DEVELOPMENT

SUBPART C. COMMUNITY DEVELOPMENT AND HOUSING

CHAPTER 149. MANUFACTURED HOUSING IMPROVEMENT PROGRAM

PREAMBLE

By this order, the Department of Community and Economic Development, under the authority of Section 5 of the act of November 29, 2004 (P.L. 1282, No. 158) (35 P.S. §1658.1 et seq.), known as the Manufactured Housing Improvement Act, hereby amends Title 12 of the Pennsylvania Code by revising Chapter 149. The purpose of the final regulation is to establish an installation and construction standard for relocated manufactured homes being installed in the Commonwealth.

Introduction

The National Manufactured Housing Construction and Safety Standards Act of 1974 (P.L. 93, No. 383) (42 U.S.C. §5401 et seq.) was amended in 2000, seeking to ensure uniform and effective enforcement of Federal safety standards for the installation of manufactured homes and required that states implement an installation program. The Pennsylvania Construction Code Act (P.L.491, No.45) (35 P.S. §7210.101 et seq.) governs the construction, alteration, repair and occupancy of all buildings in the Commonwealth. The Manufactured Housing Improvement Act (the "Act") was passed in 2004 regulating the installation of manufactured housing. The Act was amended in 2012 expanding the coverage of the Act to relocated manufactured housing. The Act as amended requires the Department of Community and Economic Development to promulgate regulations to establish an installation and construction (habitability) standard for manufactured homes previously installed that are now being relocated to a site in the Commonwealth. Currently there are no clear standards for the manufactured housing industry or local code officials to follow for proper handling of these relocated manufactured homes. This regulation will enable the department to develop and publish these standards or guides.

The Department received comments from the Independent Regulatory Review Commission (IRRC) requesting additional information and clarification on several responses on the Regulatory Analysis Form (RAF). IRRC provided no comments on the regulation itself. As requested, the Department has furnished additional information and clarified previous information on the RAF, in order to better enable IRRC to determine if the regulation is in the public interest. No changes have been made to the final regulation in connection with comments received.

Analysis

Section 149.1 has been amended to add the definition of "Relocated Manufactured Home".

Section 149.2(1) has been amended by striking the word “new” as it appears in paragraphs (1) through (5) to now extend many of the regulatory elements that in the past were limited to new manufactured homes to include both new and relocated manufactured homes. Also Section 149.2(4) explains how the department may provide alternative installation instructions for those cases when the original installation instructions are not available.

Section 149.3 has been amended to speak specifically to new manufactured home installation. Additionally, clarifying language was added to paragraphs (b), (c), and (d) to better illustrate the intent of the original regulation.

Section 149.3a has been added to specifically address the various options for the installation of relocated manufactured homes and to establish the procedures to assess compliance for the original construction and safety standard applicable to the construction of the home.

Section 149.5 has been amended to assure that code officials receive training on relocated manufactured homes as well as new manufactured homes.

Section 149.6 has been amended to better illustrate the intent of the original regulation in regard to the limitations to the Certificate of Compliance form that is completed by the installer and that the form need not be provided to the department for relocated manufactured homes.

Fiscal Impact

a) Commonwealth. The impact upon the Commonwealth is negligible. This expansion of the program will increase demand for trained and certified installers, which through the training and certification fees collected by the Department will be sufficient to address any additional clerical or record keeping costs.

(b) Political Subdivisions. None.

(c) Public. The current program has been estimated to have added \$41 to the cost of each manufactured home sited in the Commonwealth. It is assumed that this will also be true for relocated manufactured homes.

Paperwork

The proposed regulation will require manufactured home installers to complete a certificate of compliance form upon completion of each relocated manufactured home installation that will be submitted to the building code official and homeowner.

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 43 Pa.B. 3110, on May 24, 2013 to the Independent Regulatory Review Commission, the Chairperson of the House Commerce Committee, and the Chairperson of the Senate Community, Economic and Recreational Development Committee. The Commission and Committees have received 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 within sixty (60) days after final publication in the Pennsylvania Bulletin.

(b) The regulation will be monitored on an annual basis and updated as needed.

Contact Person

For an explanation of these regulations contact Mark Conte, Chief, Housing Standards Division, Office of Community Development, Department of Community and Economic Development, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120 (717-720-7416).

Findings and Order

The Department of Community and Economic Development finds:

- (1) That public notice of intention to adopt the regulations has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202).
- (2) That the regulation is necessary and appropriate for the Manufactured Housing Improvement Program.

The Department of Community and Economic Development, acting under the authorizing statute, orders:

- (1) That the regulations of the Department of Community and Economic Development, 12 Pa. Code, are amended by revising Chapter 149 to read as set forth at 43 Pa.B. 3110, as amended by Annex A hereto.
- (2) That the Department of Community and Economic Development shall submit this order, 43 Pa.B. 3110 and Annex A to the Office of Attorney General and the Office of General Counsel for approval as to legality as required by law.
- (3) That this order shall take effect upon publication in the Pennsylvania Bulletin.

By the Department of Community and Economic Development

C. Alan Walker

Secretary

ANNEX A

TITLE 12. COMMERCE, TRADE AND LOCAL GOVERNMENT

PART V. COMMUNITY AFFAIRS AND DEVELOPMENT

SUBPART C. COMMUNITY DEVELOPMENT AND HOUSING

CHAPTER 149. MANUFACTURED HOUSING IMPROVEMENT PROGRAM

§ 149.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Purchaser—The first person purchasing a new manufactured home for purposes other than resale.

Relocated manufactured home—As defined in section 3 of the act.

Retailer—A person engaged in the sale, leasing or distribution of a new manufactured home directly to a purchaser.

§ 149.2. Purpose.

This chapter interprets and makes specific the provisions of the act. This chapter establishes administrative procedures for the implementation of the act, which comply with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C.A. § § [5404] 5401—5426) and the Manufactured Home Construction and Safety Standards. More specifically, this chapter is intended to achieve the following objectives:

(1) Designate appropriate training programs for those persons that install [new] manufactured homes, to provide them with a thorough understanding of manufactured home construction and to assure that the manufactured homes they install comply with the act, the Manufactured Home Construction and Safety Standards and the UCC, as applicable.

(2) Establish a system to certify those persons who successfully complete the training program as installers of [new] manufactured homes.

(3) Provide training for those persons who inspect [new] manufactured home installations under the act, the Manufactured Home Construction and Safety Standards and the UCC.

(4) Provide that [new] manufactured home construction, installations and completion onsite be performed in a manner consistent with the home manufacturer's DAPIA approved designs and provide suitable alternatives when the manufacturer's approved designs are not available for a relocated manufactured home.

(5) Establish a mechanism to verify to the Department, building code officials and purchasers that [new] manufactured homes are completed and installed by an installer of manufactured homes who was certified by the Department and that the homes comply with the Manufactured Home Construction and Safety Standards and applicable building codes.

§ 149.3. Installation standard for new manufactured homes.

(b) In accordance with the Manufactured Housing Construction and Safety Standards Act of 1974, a new manufactured home shall be installed consistent with the manufacturer's approved design. The manufacturer's approved design must be current, complete, easily understood and compatible with the home being installed. The manufacturer's approved design must fully address the support, attachment, assembly and all other aspects of manufactured home construction and installation to assure that the manufactured home performs as a fully integrated structure and complies with all elements of the Manufactured Home Construction and Safety Standards. Elements of installation and foundation construction not addressed in the Manufactured Home Construction and Safety Standards must be in compliance with the UCC.

(c) A design other than the manufacturer's approved design may not be utilized in the [installation] support, stabilization and assembly of a new manufactured home without authorization of the manufacturer and evaluation and approval by the manufacturer's DAPIA.

(d) A building code official may not reject a manufacturer's approved design applicable to a particular home for any reason, including, but not limited to, the fact that the material was not reviewed, approved, sealed or certified by an engineer, architect or similar person licensed in this Commonwealth. If a building code official believes a manufacturer's approved design was approved by a DAPIA in error, or questions the validity of a manufacturer's approved design, the building code official may contact the Department, which will investigate the matter.

§ 149.3a. Installation and construction standards for relocated manufactured homes.

(a) The following installation standards for relocated manufactured homes are acceptable:

(1) The installation standard established under § 149.3 (relating to installation standard for new manufactured homes).

(2) When the installation standard required under § 149.3(a) is not available for the installation of a relocated manufactured home, the following may be utilized as an acceptable alternative:

(i) Pennsylvania Installation Guidelines for Relocated Manufactured Homes published by the Department.

(ii) Option A, B and D of the Pennsylvania Field Guide: Foundation Systems for Relocated Manufactured Housing published by the Pennsylvania Housing Research/Resource Center at the Pennsylvania State University.

(iii) In land lease communities, Option C of the Pennsylvania Field Guide: Foundation Systems for Relocated Manufactured Housing published by the Pennsylvania Housing Research/Resource Center at the Pennsylvania State University.

(3) The Department may develop and publish criteria that may be used to evaluate the adequacy of foundations already existing in land lease communities for the installation of relocated manufactured homes.

(b) The Pennsylvania Habitability Guide for Relocated Manufactured Homes shall be utilized to determine if a manufactured home remains in compliance with the Manufactured Home Construction and Safety Standards to which it was originally designed and constructed. The Habitability Guide Checklist shall be completed and submitted to the building code official as a part of the building permit process.

§ 149.5. Building code official training.

(a) The Department will develop or designate acceptable workshops and training programs for those persons that inspect the installation of [new] manufactured homes. The Department will annually review the content of the workshops or training programs.

(e) Building code officials who inspect the installation of [new] manufactured homes shall successfully complete a workshop or training program approved by the Department and shall do so every 3 years to continue inspecting the installation of [new] manufactured homes.

§ 149.6. Certificate of Compliance.

(a) Upon completion of the installation of a [new] manufactured home, an installer shall complete a Certificate of Compliance. A Certificate of Compliance may [not] only reference items that are [not part of the manufacturer's approved design or covered by the Manufactured Home Construction and Safety Standards] addressed at § 149.3 (relating to installation standard for new manufactured homes) or § 149.3a (relating to installation and construction standards for relocated manufactured homes), as applicable.

(b) Within 5 calendar days of completion of the installation of a [new] manufactured home, the installer of the [new] manufactured home shall forward the completed Certificate of Compliance to the Department and the appropriate building code official[, if known]. The duty to certify to the Department does not apply to relocated manufactured homes.

(c) A building code official may not issue a certificate of occupancy for a [new] manufactured home until he has received a completed copy of the Certificate of Compliance [filed with the Department].

(d) The installer of a [new] manufactured home shall attach the original completed Certificate of Compliance to the installation instructions or other documents that must remain with the home or hand deliver the Certificate of Compliance and the installation instructions to the purchaser.

(e) If the manufacturer or retailer has not agreed in writing to be responsible to the purchaser for the installation of the new manufactured home prior to the execution of the sales documents, the manufacturer or retailer shall provide the purchaser with a written statement that the home shall be installed as described in § 149.3(b) and (c) [(relating to installation standard)], and that the Certificate of Compliance shall be completed and signed by an installer certified under § 149.4(b) (relating to installation training and certification). At that same time, the manufacturer or retailer shall provide the purchaser with a list of installers known to him or obtained from the Department. By providing the list, the manufacturer or retailer does not warrant the quality of the installers' work, nor is the purchaser under any obligation to use any particular installer.

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From: Elam M. Herr <eherr@psats.org>
Sent: Monday, July 08, 2013 2:30 PM
To: Michelle L. Elliott
Subject: RE: Department of Community and Economic Development Proposed Regulation #4-96 (IRRC #3014): "Manufactured Housing Improvement"

2013 JUL 15 AM 11: 06

Michelle: We have reviewed the proposed regulation by the Department of Community and Economic Development #4-96 (IRRC #3014), the proposed changes to Chapter 149 of 12 Pennsylvania Code, "Manufactured Housing Improvement", and found no issues with it. We support the proposed changes and believe they are reasonable and in agreement with the Pennsylvania Construction Code Act (Act 45 of 1999, as amended).

We appreciate the opportunity to comment on these proposed regulations, and look forward to working with IRRC in the future. If you have any questions, please do not hesitate to contact us. Elam

3014



Pennsylvania Manufactured Housing Association

P.O. Box 248 • 315 Limckeln Road • New Cumberland, PA 17070

(717) 774-3440 Fax: (717) 774-5596 (888) 242-7642

Web site: www.pmha.org • E-mail: general@pmha.org

June 21, 2013

Mark Conte, Chief
Housing Standards Division
Office of Community Development
Department of Community and Economic Development
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120

Dear Mr. Conte:

On behalf of the members of the Pennsylvania Manufactured Housing Association, we would like to go on record in support of the Manufactured Housing Improvement Program as proposed in the June 8, 2013 Pennsylvania Bulletin. This proposal would expand the manufactured housing installation program to include relocated manufactured homes.

Establishing a uniform standard for the installation of relocated manufactured homes and guidelines to measure the fire safety, exterior coverings, structural integrity and other elements or design specifications, is important to both the manufactured housing and code enforcement industries. Additionally, this program will assure the consumer that the homes are safe and secure while at the same time keeping them affordable.

We appreciate the opportunity to voice our support of the regulations and look forward to working with the Department on standards and guidelines that will be used in conjunction with these regulations.

Thank you.

Sincerely,

Mary Gaiski
Executive Vice President

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Comments of the Independent Regulatory Review Commission



Department of Community and Economic Development Regulation #4-96 (IRRC #3014)

Manufactured Housing Improvement Program

August 7, 2013

We submit for your consideration the following comments on the proposed rulemaking published in the June 8, 2013 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P.S. § 745.5b). Section 5.1(a) of the RRA (71 P.S. § 745.5a(a)) directs the Department of Community and Economic Development (DCED) to respond to all comments received from us or any other source.

1. Determining whether the regulation is in the public interest.

Section 5.2 of the RRA (71 P.S. § 745.5b) directs this Commission to determine whether a regulation is in the public interest. When making this determination, the Commission considers criteria such as economic or fiscal impact and reasonableness. To make that determination, the Commission must analyze the text of the proposed rulemaking and the reasons for the new or amended language. The Commission also considers the information a promulgating agency is required to provide under Section 5 of the RRA in the Regulatory Analysis Form (RAF) (71 P.S. § 745.5(a)).

DCED's responses to questions 15 through 17 and 19 through 27 of the RAF are not sufficient to allow this Commission to determine if the regulation is in the public interest. In the RAF submitted with the final-form rulemaking, DCED should provide more detailed information as required under § 745.5(a) of the RRA. Specifically, we seek answers to the following questions:

- What types of small businesses and how many small businesses will be affected?
- How will this affect Pennsylvania's small businesses?
- What are the specific estimated costs and/or savings to the regulated community?
- What are the specific estimated costs and/or savings to local governments?

Also, DCED should provide a citation to the relevant provisions of the federal definition of small business that were reviewed in the development of the rulemaking and an analysis of their applicability/inapplicability to the regulation in its response to RAF question 24.

Additionally, we ask DCED to clarify its responses to RAF questions 17 and 20. The responses are unclear as to how the regulations will eliminate municipal requirements (#17) but provide no savings to local governments associated with compliance (#20).

Similarly, we ask DCED to clarify its responses to RAF questions 19, 21 and 23. DCED states that there will be no direct costs to the industry (#19) and provided no information regarding costs associated with implementation and compliance (#23), but cites fees that generate revenue from training and certification of manufactured home installers (#21).



**COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL**

October 24, 2013

Independent Regulatory Review Commission
c/o Silvan B. Lutkewitte, III
14th Floor, Harrisstown II
333 Market Street
Harrisburg, PA 17101

Dear Mr. Lutkewitte:

Pursuant to Section 5(a) of the Regulatory Review Act, enclosed for your review is a final regulation. The regulation submitted would amend Chapter 149 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, Economic and Recreational Development Committee for their respective review in accordance with the Regulatory Review Act.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lisa Maiorana', with a long horizontal flourish extending to the right.

Lisa Maiorana
Deputy Chief Counsel/Assistant Counsel

Enclosures

cc: Barry Wickes, Legislative Liaison



**COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL**

October 24, 2013

Honorable Kim L. Ward, Chair
Community, Economic and Recreational Development Committee
Senate of Pennsylvania
Room 168 Main Capitol Building
Harrisburg, PA 17120

Dear Senator Ward:

Pursuant to Section 5(a) of the Regulatory Review Act, enclosed for your review is a final regulation. The regulation submitted would amend Chapter 149 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 Independent Regulatory Review Commission for its review in accordance with the Regulatory Review Act.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa Maiorana".

Lisa Maiorana
Assistant Counsel

Enclosures

cc: Barry Wickes, Legislative Liaison
✓ Silvan B. Lutkewitte, III, IRRC



**COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL**

October 24, 2013

Honorable Wayne D. Fontana, Minority Chair
Community, Economic and Recreational Development Committee
Senate of Pennsylvania
Room 543 Main Capitol Building
Harrisburg, PA 17120

Dear Senator Fontana:

Pursuant to Section 5(a) of the Regulatory Review Act, enclosed for your review is a final regulation. The regulation submitted would amend Chapter 149 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 Independent Regulatory Review Commission for its review in accordance with the Regulatory Review Act.

Sincerely,

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Lisa Maiorana
Assistant Counsel

Enclosures

cc: Barry Wickes, Legislative Liaison
✓ Silvan B. Lutkewitte, III, IRRC



**COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL**

October 24, 2013

Honorable Chris Ross, Chair
Commerce Committee
Pennsylvania House of Representatives
110 Ryan Office Building
Harrisburg, PA 17120

Dear Representative Ross:

Pursuant to Section 5(a) of the Regulatory Review Act, enclosed for your review is a final regulation. The regulation submitted would amend Chapter 149 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 Independent Regulatory Review Commission for its review in accordance with the Regulatory Review Act.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lisa Maiorana', written over a horizontal line.

Lisa Maiorana
Assistant Counsel

Enclosures

cc: Barry Wickes, Legislative Liaison
✓ Silvan B. Lutkewitte, III, IRRC



**COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL**

October 24, 2013

Honorable W. Curtis Thomas, Minority Chair
Commerce Committee
Pennsylvania House of Representatives
Room 214 Irvis Office Building
Harrisburg, PA 17120

Dear Representative Thomas:

Pursuant to Section 5(a) of the Regulatory Review Act, enclosed for your review is a final regulation. The regulation submitted would amend Chapter 149 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 Independent Regulatory Review Commission for its review in accordance with the Regulatory Review Act.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lisa Maiorana'.

Lisa Maiorana
Assistant Counsel

Enclosures

cc: Barry Wickes, Legislative Liaison
✓Silvan B. Lutkewitte, III, IRRC

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

I.D. NUMBER: 4-96
SUBJECT: MANUFACTURED HOUSING IMPROVEMENT PROGRAM
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

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FILING OF REGULATION

<u>DATE</u>	<u>SIGNATURE</u>	<u>DESIGNATION</u>
		<i>HOUSE COMMITTEE ON COMMERCE</i>
10-24-13	<i>Rep. Minnich</i>	MAJORITY CHAIR <u>Representative Chris Ross</u>
10/24/13	<i>W. Curtis Thomas</i>	MINORITY CHAIR <u>Representative W. Curtis Thomas</u>
		<i>SENATE COMMITTEE ON COMMUNITY, ECONOMIC & RECREATIONAL DEVELOPMENT</i>
10-24-13	<i>Kim L. Ward</i>	MAJORITY CHAIR <u>Senator Kim L. Ward</u>
10-24-13	<i>Wayne Fontana</i>	MINORITY CHAIR <u>Senator Wayne Fontana</u>
10/24/13	<i>K. Cooper</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL (for Final Omitted only)
		LEGISLATIVE REFERENCE BUREAU (for Proposed only)