Regulatory Analysis Form	INDEPENDENT REGULATORY REVIEW COMMISSION
(Completed by Promulgating Agency)	
(All Comments submitted on this regulation will appear on IRRC's website)  (1) Agency	
Department of Community and Economic Development	7
(2) Agency Number: 4-96	
Identification Number:	IRRC Number: 3014
(3) PA Code Cite: 12 Pa. Code Chapter 149	
(4) Short Title: Manufactured Housing Improvement	
(5) Agency Contacts (List Telephone Number and Email Address	3):
Primary Contact: Mark Conte, 717-720-7416, mconte@pa.gov Secondary Contact: Lisa Maiorana, 717-720-7330, lmaiorana@pa.gov	oa_gov
(6) Type of Rulemaking (check applicable box):	
	ency Certification Regulation;
	ertification by the Governor ertification by the Attorney General
(7) Briefly explain the regulation in clear and nontechnical langu	age. (100 words or less)
These proposed regulations are required to implement the recent Improvement Act. The act of November 29, 2004 (P.L. 1282) (as amended by the act of May 8, 2012 (P.L. 257) (No. 40). The authority to oversee the installation and construction standards for moved from their original installation site. Additionally, these reneeded to draw a distinction between new and relocated manufacture department to establish the installation and construction standards.	No. 158) (35 P.S. Section 1658.1 et seq.), amendments expanded the department's or manufactured homes that have been visions to the current regulations are ctured homes and provide a mechanism for
(8) State the statutory authority for the regulation. Include speci	fic statutory citation.
The act of November 29, 2004 (P.L. 1282) (No. 158) (35 P.S. Manufactured Housing Improvement Act, as amended by the a	
(9) Is the regulation mandated by any federal or state law or coany relevant state or federal court decisions? If yes, cite the spany deadlines for action.	

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

N/A

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(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.

N/A

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

A. The date by which the agency must receive public comments:

June 17, 2013

B. The date or dates on which public meetings or hearings will be held:

May 15, 2013

C. The expected date of promulgation of the proposed regulation as a final-form regulation:

August 15, 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

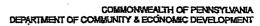
F. The date by which required permits, licenses or other approvals must be obtained:

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.

DCED-HS-003 (3-06)





# MANUFACTURED HOME CERTIFICATE OF COMPLIANCE

HOUSING STANDARDS DIVISION Commonwealth Keystone Building 400 North Street, 44 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.

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FACE SHEET
FOR FILING DOCUMENTS

WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

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	DOI	NOT WRITE IN THIS SPACE
Copy below is lerenty approved as to form and least the Artificity, General By:  (Deputy Attorney General)	Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:  Department of Community and Economic Development (Agency)	Copy below is hereby approved as to form and legality. Executive or Independent Approxies.  BHANN E. SMITH
MAY 2 1 2013  Date of Approval	Document/Fiscal Note No. 4-96 Date of Adoption:  By:  Title: Deputy Secretary of DCED	APR 23 2013  Date of Approval  (Deputy General Counsel)  (Chief Counsel, Independent Agency)  (Strike inapplicable title)
☐ Check if applicable. Copy not approved. Objections attached.	(Executive Officer, Chairman or Secretary)	☐ Check if applicable. No Attorney General approval or objection within 30 days after submission.

NOTICE OF PROPOSED 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 proposed 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 required 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.

#### **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 regards 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 this proposed regulation on May 23, 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. In addition to submitting the regulation, the agency has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the agency in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request.

If the Commission has any objections to any portion of the proposed regulation, it will notify the agency by 30 days after the close of the public comment period. Such notification shall specify the regulatory review criteria which have not been met by that portion. The Act specifies detailed procedures for review, prior to final publication of the regulation, by the agency, the General Assembly and the Governor of objections raised.

# **Effective Date/Sunset Date**

- (a) The regulation will become effective 90 days after final publication in the Pennsylvania Bulletin.
  - (b) Sunset date -N/A

# **Contact Person**

Interested persons are invited to submit in writing, within thirty (30) days from the date of publication of the proposed regulation in the Pennsylvania Bulletin, any comments, suggestions or objections regarding the proposed regulation to Mark Conte, Chief, Housing Standards Division, Office of Community Development, Department of Community and Economic Development, Commonwealth Keystone Building, 400 North Street, 4<sup>th</sup> Floor, 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

#### CHAPTER149. 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:

\*\*\*\*

Relocated Manufactured Home-As defined in section 3 of the act.

\*\*\*\*

# § 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—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 in the case of relocated manufactured home, provide suitable alternatives in the event the manufacturer's approved designs are not available.

(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.

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## § 149.3. Installation standard for New Manufactured Homes.

- (a) In accordance with the Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C.A. § § 5401—5426), a manufacturer of a new manufactured home shall provide a copy of the manufacturer's approved design, which includes instructions for the installation of the new manufactured home, with each home.
- (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 Pennsylvania Uniform Construction Code.
- (c) A design other than the manufacturer's approved design may not be utilized in the [installation] <u>support</u>, <u>stabilization</u> and <u>assembly</u> 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.

- (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) Construction Standard for Relocated Manufactured Homes

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.

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# § 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 addressed at § 149.3 (relating to installation standard for new manufactured homes) or § 149.3a (relating to installation and construction standard for relocated manufactured homes) as applicable. [not part of the manufacturer's approved design or covered by the Manufactured Home Construction and Safety Standards.]
- (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 will remain with the home or hand deliver the Certificate of Compliance and the installation instructions to the purchaser.

\*\*\*\*



# COMMONWEALTH OF PENNSYLVANIA GOVERNOR'S OFFICE OF GENERAL COUNSEL

May 24, 2013

Independent Regulatory Review Commission c/o Silvan B. Lutkewitte, III 14th Floor, Harristown 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 proposed 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,

Lisa Maiorana Assistant Counsel

**Enclosures** 

cc: Barry Wickes, Legislative Liaison

# TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE REGULATORY REVIEW ACT

	REGULATORY REVIEW ACT		
I.D. NUMBE	R: 4-96		
SUBJECT:	MANUFACTURED HOUSING IMPROVEMENT PROGRAM		
AGENCY:	DEPARTMENT COMMUNITY & ECONOMIC DEVELOPMENT		
	TYPE OF REGULATION		
X	Proposed Regulation	2013	
•	Final Regulation	<b>15</b> 24	ZE
	Final Regulation with Notice of Proposed Rulemaking Omitted	24	CEIVE
	120-day Emergency Certification of the Attorney General		O K
	120-day Emergency Certification of the Governor	10: 48	0
	Delivery of Tolled Regulation a. With Revisions b. Without Revisions	œ	
	FILING OF REGULATION		
<b>DATE</b>	SIGNATURE DESIGNATION		
	HOUSE COMMITTEE ON COMMERCE		
5/24/13	MAJORITY CHAIR Representative Chris Ros	3S	_
5/24/13/	Odun Home MINORITY CHAIR Representative W. Curtis	Thomas	
	SENATE COMMITTEE ON COMMUNITY, ECONO RECREATIONAL DEVELOPMENT	OMIC &	
5 by/13 El	MAJORITY CHAIR Senator Kim L. Ward		
5/24/13	Bui MINORITY CHAIR Senator Wayne Fontana	·	-
5/24/13	Styl F. 14 INDEPENDENT REGULATORY REVIEW CO	MMISS	ION
	ATTORNEY GENERAL (for Final Omitted only	y)	

564/13 Semoth Herse LEGISLATIVE REFERENCE BUREAU (for Proposed only)

May 22, 2013