

# 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).