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August 15, 2014

Mark Conte, Chief Housing Standards Division
Department of Community and Economic Development
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120-0225
mconte@state.pa.us

Re: Regulation #4-95 (IRRC #3063) Industrialized Housing Components;
Comments on Regulatory Analysis Form accompanying the submittal.

Dear Mr. Conte,

As a resident of Pennsylvania and Director of Modular Engineering at Vanguard Modular Building Systems LLC.; whose corporate headquarters are in Malvern, PA, please consider the following comments.

This section of comments reference the Regulatory Analysis Form:

-Item (7) on the Regulatory Analysis Form states: "The primary focus of the regulation is to establish the procedures needed for DCED to expand the current program to include commercial modular buildings.

- Agreed, except the program according to Act 8-2013 was to be similar to the Industrialized Housing program; not the same as. The words industrialized commercial building and industrialized commercial component have been incorporated into the proposed Rules and Regulations alongside industrialized housing and housing components. This does not allow for the rules and regulations to differentiate when needed between areas which are specific to either commercial or residential, but not both.

-Item (10) states..." The main purpose of the regulation is to establish the authority of DCED to impose building standards on commercial buildings constructed in off-site factories in the same manner as factory built homes".

- Agreed "in the same manner". Commercial modular buildings do not mimic factory built homes in the UCC, construction types, sale, lease, shipment or placement on site. They are both built in factories but the process from that point on is distinctly different and should be acknowledged.

-Item (14) describes communications input from various entities. Act 8-2013 was signed May 21st of 2013. The last Industrialized Housing Advisory Group meeting was September 6th of 2012. The proposed rules and regulations note they were written in consultation with this group which would have been prior to HB 124 becoming Act 8. The final version would not have been presented to the advisory group for discussion.

-Item (15) notes there are 44 manufacturers who will be affected by this regulation.

- As written, the regulation will affect many businesses, religious organizations and government entities that currently own or lease commercial modular buildings. The text appears to eliminate the option of selling, leasing or installing an industrialized commercial building if it is not certified and bearing an insignia. The effect is far more reaching than implied.

These are comments referencing the Annex A, Title 12, Part V, Subpart C, Chapter 145 Industrialized Housing and Components. In general, the proposed Rules and Regulations will need clarification on the following points.

- Insertion of the date buildings will start to carry industrialized commercial building insignias.
- The rules and regulations consistently address the process when a building is shipped from a factory. There is nothing to address an industrialized commercial building (with an insignia) that is relocated in the future. These buildings would have been built under the program, and had an occupancy permit issued, but are now being relocated to a new address.

Definitions:

Permanent foundation – This section has been added and is more restrictive than the UCC. This definition is not needed to be consistent with the UCC. The definition limits the method of installation and securing the buildings to grade. The language appears to favor welded attachment and crane setting of buildings while eliminating other options and materials currently used throughout the Commonwealth. The engineered foundation designs in use today meet the UCC and are common to industrialized programs in general. There is no need to make them more restrictive for industrialized commercial modular buildings.

Sub Section 145.31 as written, seems black and white. An industrialized commercial building that is not certified and does not bear an insignia; cannot be sold, leased or installed in the Commonwealth. The subsection does not address buildings built prior to these regulations. Currently, those buildings fall under the UCC with approval by the local authority having jurisdiction. The rules and regulations need to provide clear direction for those authorities and eliminate the confusion that may be caused by the proposed version of 145.31.

Sincerely,



Barbara Bieganski
Director Modular Engineering and Asset Management
Vanguard Modular Building Systems LLC.