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Mark Conte
Department of Community and Economic Development
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120-0225
mconte@pa.gov

Re: Advanced Notice of Final Rulemaking 12PA.CODE CH.145 Industrialized Housing Components
Comments on Draft Chapter 145

Dear Mr. Conte,

The proposed regulations are inconsistent with requirements in the UCC:

Currently, commercial foundations designed by a Pennsylvania licensed professional engineer are accepted using the calculations, components and devices necessary to anchor and stabilize the installation of a building. Therefore, language limiting the design to secure a building in place within these draft regulations should be deleted. The design should be left to a licensed individual.

The section in the Draft Rules and Regulations from 145.33 through 145.36 is new but not necessary. There is no reason the design of foundations would need to follow any method other than those already acknowledged by the UCC and approved for use up to this point in time.

Chapter 145 has not been published in its entirety with the changes noted in this draft. The document supplied jumps from section to section leaving out various subsections. How can this be accurately reviewed when sections are out of context? The IRRC must see how sections referenced on these pages are intertwined into the complete chapter before final review.

Section 145.31 still prohibits the sale, lease or installation of a commercial modular building that does not bear an insignia. There are countless buildings in the Commonwealth today without a Pennsylvania insignia because there was no program. These buildings have been built to the UCC, and are occupied as commercial buildings. Since they are modular, the designs are developed and stamped by a registered professional and third party agency. Many have been built by Pennsylvania manufacturing plants. Buildings of various sizes and occupancy types are provided to any number of consumers at their location. Relocating these buildings site to site is a competitive industry that fulfills a need in the Commonwealth. Why would a building built in Ephrata yesterday no longer be marketable after the insignia program takes effect? The existing third party reviewed the prints and performed the factory inspections. The building is manufactured using materials and methods that attain approval under the UCC today. In fact, it meets all of 145.2 (1) of the Purpose subsection without the insignia because the "uniform standards", already exist in the UCC are being met; regardless of applying an Industrial Housing label or not.

As an industry we approached Pennsylvania about a label program for new and existing commercial modular buildings. Never, could we have predicted, that millions of dollars of buildings built to meet the UCC, would be in jeopardy of discontinued lease or sale opportunities.



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Subsection 145.2 (2) states the rules and regulations are to establish uniform standards for industrialized buildings for sale or lease in the Commonwealth and to facilitate the use of industrialized housing, buildings and housing or building components. Part of facilitating the use of these buildings is to acknowledge that they are relocatable and will be occupied at one or more sites within the Commonwealth. The draft rules and regulations for this program need to reflect the purpose.

Subsection 145.2 (3) also acknowledges buildings are relocated by establishing "procedures which will facilitate the movement of industrialized housing, buildings, and housing or building components between the Commonwealth and the other States for the mutual benefit of the manufacturers and citizens of this Commonwealth". Buildings designed to be relocated, bearing a state program insignia or built to UCC standards, need to be accepted.

Throughout this process, I have spent countless hours working towards a Commercial Modular Program in my home state, Pennsylvania. I am knowledgeable in various labeling programs for Vanguard's buildings across the US. I am, or have been on advisory committees, IBC technical writing committees, appeals boards and other legislative committees. All of these opportunities have individuals who together work as a group.

The Industrialized Housing/Buildings Advisory Group was not engaged as requested in the September 24, 2014 comments from the IRRRC. Their comments still do not appear to be fully addressed in this draft version of the rules and regulations.

IRRC #3063 Comments 09/24/14

1. Consistency with statute; Implementation procedures; and Economic impact
2. Evaluation of costs the Regulatory Analysis Form (RAF) – Compliance with the provisions of the Regulatory Review Act.
3. Section 145.1 Definitions. – Protection of the public; Reasonableness; economic impact; and Clarity.
4. Section 145.94. Fees – Economic Impact; Reasonableness.

In closing I ask you Mr. Conte and the IRRRC to review the comments and draft documentation submitted. Proposed outcome would be the development of a forward moving plan to revise the draft rules and regulations in conjunction with the Advisory Council. The next version would address the previous IRRRC and industry comments in their entirety.

Sincerely,

Barbara Bieganski
Director of Modular Engineering and Asset Management
Vanguard Modular Buildings Systems