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INDEPENDENT REGULATORY REVIEW COMMISSION

333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

August 25, 2016

Honorable Dennis M. Davin, Secretary
Department of Community and Economic Development
Commonwealth Keystone Building
4th Floor
Harrisburg, PA 17120

Re: Regulation #4-95 (IRRC #3063)
Department of Community and Economic Development
Industrialized Housing and Components

Dear Secretary Davin:

On August 24, 2016, we discussed with your staff amendments to this final regulation that could be clarified by tolling the final regulation.

1. We recommend amending the definition of "permanent foundation." We recommend including a definition of "permanent foundation" in Section 145.1 and including the substantive provisions relating to permanent foundations in the body of the regulation, presumably in Section 145.33(c).
2. Amendments were made to accommodate existing inventory by expressing an effective date. RAF (29) states the effective date is one year from publication, which we presume is the intent. However, Sections 145.3 and 145.31(c) are not clear on that date and should be amended using a blank and an Editor's Note to set the future effective date.
3. We ask the Department to review the terms and acronyms specified in Subparagraphs 145.33(c)(4)(i) and (ii) to make sure they are correct.

In addition to the tolling of Annex A, we ask the Department to review its responses in the Regulatory Analysis Form (RAF) regarding any new fees, particularly those in Section 145.94, as outlined on page 9 of the Preamble. These fees should be better reflected in the RAF. We recommend submitting either an amended RAF or an addendum to the RAF submitted on August 3, 2016.

If you choose to toll the review period, your agency must deliver written notice to both the Standing Committees and our office on the same day. The written notice must be delivered before either Committee takes action on the regulation, or before the end of the Committees' review period on September 14, 2016, whichever occurs first.

As required by Section 307.5 of our regulations, written notice must include:

1. A citation to the section(s) the Department is considering revising,
2. A description of the revisions the agency is considering, and
3. An explanation of how the revisions will satisfy the concerns listed above.

If your written notice includes revisions that are beyond the scope of our recommendations, the Independent Regulatory Review Commission ("Commission") may object to tolling the review period. We are required to notify you and the Committees within two business days after receipt of your tolling notice if we object. If the Commission objects to your tolling notice, the review period will not be tolled and your regulation will be considered by the Commission at our public meeting on September 15, 2016. If the Commission does not object, the review period is tolled for up to 30 days beginning with receipt of your letter and ending on the day you resubmit the regulation.

Please contact me if you have any questions.

Very truly yours,



David Sumner
Executive Director

cc: Honorable Kim L. Ward, Majority Chairman, Senate Community, Economic and Recreational Development Committee
Honorable Lawrence M. Farnese, Jr., Minority Chairman, Senate Community, Economic and Recreational Development Committee
Honorable C. Adam Harris, Majority Chairman, House Commerce Committee
Honorable W. Curtis Thomas, Minority Chairman, House Commerce Committee
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Jill Busch, Deputy Chief Counsel, Department of Community and Economic Development