

## Comments of the Independent Regulatory Review Commission



### Department of Community and Economic Development Regulation #4-100 (IRRC #3382)

#### Inspections and Fees

November 15, 2023

We submit for your consideration the following comments on the proposed rulemaking published in the September 16, 2023 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Department of Community and Economic Development (Department) to respond to all comments received from us or any other source.

#### **Consistency with statute.**

Section 8 of the Industrialized Housing Act (Act) establishes the Industrialized Housing Advisory Commission (IHAC), consisting of 15 members appointed by the Governor with the advice and consent of two-thirds of the members of the Senate. 35 P.S. § 1651.8. Under this section, the Department “shall consult with and obtain advice of [IHAC] in the drafting and promulgation of rules and regulations . . . .” Section 5(a) of the Act also requires the Department to consult with IHAC to promulgate rules and regulations. 35 P.S. § 1651.5(a). In the Preamble, the Department stated that IHAC has not been in existence since 2012 and, therefore, was not consulted during the process of drafting and promulgating this proposed regulation. We ask the Department to explain why IHAC is no longer in existence. Further, we ask the Department to explain how it will promulgate the final-form regulation in a manner that is consistent with Sections 5(a) and 8 of the Act. We will review the Department’s explanation when determining if the regulation is in the public interest.