

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: OMHC

Regulation/Package Title: 4781-12-09 through 4781-12-33

Rule Number(s): 12-09, 12-10, 12-11, 12-12, 12-13, 12-14, 12-15, 12-16, 12-17, 12-18, 12-19, 12-20, 12-21, 12-22, 12-23, 12-24, 12-25, 12-26, 12-27, 12-28, 12-29, 12-30, 12-31, 12-32

Date: 7/19/12

Rule Type:

☒ New

☐ Amended

☐ 5-Year Review

☐ Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

Regulatory Intent

1. Please briefly describe the draft regulation in plain language.

Please include the key provisions of the regulation as well as any proposed amendments.

With the transfer of authority over manufactured home parks from the Ohio Department of Health to the Ohio Manufactured Home Commission, these rules have been adopted regarding the maintenance of manufactured home parks, including streets and walkways, sewer systems, water systems, rental agreements between operators and residents, prohibited activities and communication requirements with the Commission.

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- 2. Please list the Ohio statute authorizing the Agency to adopt this regulation.**

R.C. 4781.04 and R.C. 4781.26

- 3. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?**

If yes, please briefly explain the source and substance of the federal requirement.

No

- 4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

n/a

- 5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?**

Regulation is required to keep standards for the operation of manufactured home parks consistent with previous guidelines and rules. The rules provide clarity for the operators and establish enforcement guidelines for the safety and security of manufactured home park residents.

- 6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**

Success will be measured by having rules available to licensees for clarity, compliance with regulations regarding the maintenance of parks, and successful pass rates of state issued inspections of manufactured home parks.

Development of the Regulation

- 7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.**

If applicable, please include the date and medium by which the stakeholders were initially contacted.

Ohio Manufactured Homes Association, Ohio Department of Health, Association of Manufactured Home Residents in Ohio, Association of Ohio Health Commissioners, Ohio Environmental Health Association, and manufactured home park operators.

8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

The stakeholder identified above all participated in the revision of the rules, including participation at the subcommittee that revised the rules and participation at the full commission meeting. Most suggestions were incorporated into the rules.

9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?

Information is being forwarded from the local health department to the commission that included past inspection reports, plans review and approvals, park designs and approvals, flood plain permits and approvals and any pending violations against any park operators.

10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?

Several alternatives were considered during the drafting of the rules, however, the participation of the stakeholders led to the present language in the rules.

11. Did the Agency specifically consider a performance-based regulation? Please explain. *Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.*

No.

12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?

These regulations were adopted from current Ohio Department of Health regulation when the authority was transferred from ODH to the Commission. Previously, all authority in regulating manufactured home parks fell under the jurisdiction of ODH and per research into the law, is not duplicated anywhere else.

13. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

Implementation of this regulation includes updates on the Commission's websites, directives and bulletins sent to the Ohio Department Health and local health departments throughout the state, to be followed by a bulletin to all manufactured home park owners and operators.

Adverse Impact to Business

14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:

- a. Identify the scope of the impacted business community;**
Park owners and operators.
- b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and**
Fines for violations of our rules. No employer time compliance as rules have been in effect previous and process is not changing.
- c. Quantify the expected adverse impact from the regulation.**
The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a “representative business.” Please include the source for your information/estimated impact.

There will be few adverse impacts because most of these regulations presently exist within the Department of Health. The General Assembly has increased the maximum fine for certain violations of R.C. Chapter 4781. Obviously, this will have an impact on any person who violates the rules or statutes.

Businesses will actually benefit from the regulation of manufactured home parks by one entity. Under the previous regulatory scheme, local health departments set fees and were involved in the enforcement of regulations. These rules bring uniformity, fairness, and consistency to the regulatory process.

15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

The Commission is charged with the duty of enforcing safe and sanitary living conditions in the parks. The fees associated with the license to operate a park, to review plans and flood plain permits are to cover the administrative, inspection and processing costs that are necessary to ensure a safe and habitable environment for park residents.

Regulatory Flexibility

16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

There are no alternative means of compliance for small businesses as the process for licensing and approving parks for occupancy have not changed. However, as noted previously, fees have dropped for the majority of the smaller parks.

17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

The waiver of fines and penalties for paperwork violations and first-time offenders is in effect at the Commission with current licensees and will remain so when we begin to license the park operators.

18. What resources are available to assist small businesses with compliance of the regulation?

The Commission website, Commission staff, monthly public meetings, continuing education requirements. We will be having weekly conference calls with the Ohio Department of Health and the local health departments. We will continue to be sending out bulletins to update the progress of the transfer.