

# CSI - Ohio

The Common Sense Initiative

## Business Impact Analysis

Agency Name: Department of Commerce

Regulation/Package Title: Rules related to the Manufactured Homes Program

Rule Number(s): 4781-1-01 (Rescind); 4781-1-02 (Rescind); 4781-1-03 (Rescind); 4781-2-01 (Rescind); 4781-2-02 (Rescind); 4781-2-03 (Rescind); 4781-2-04 (Rescind); 4781-2-05 (Rescind); 4781-3-01 (Rescind); 4781-4-01 (Amend); 4781-5-01 (Rescind); 4781-6-01 (Amend); 4781-6-02 (Amend); 4781-6-03 (Amend); 4781-6-03.1 (Amend); 4781-6-03.2 (Amend); 4781-6-03.3 (Amend); 4781-6-03.4 (Amend); 4781-6-03.5 (Amend); 4781-6-03.6 (Amend); 4781-6-03.7 (Amend); 4781-6-03.8 (Amend); 4781-6-03.9 (Amend); 4781-6-03.10 (Amend); 4781-6-03.11 (Amend); 4781-7-01 (Amend); 4781-7-02 (Amend); 4781-7-03 (Amend); 4781-7-04 (Amend); 4781-7-05 (Amend); 4781-7-06 (Amend); 4781-7-07 (Rescind); 4781-7-08 (Amend); 4781-7-09 (Amend); 4781-7-10 (Rescind and New); 4781-8-01 (Amend); 4781-8-02 (Amend); 4781-8-03 (Amend); 4781-8-04 (Amend); 4781-8-05 (Rescind and New); 4781-8-05.1 (New); 4781-8-06 (Amend); 4781-8-07 (Amend); 4781-8-08 (Amend); 4781-8-09 (Amend); 4781-8-10 (Amend); 4781-8-11 (Amend); 4781-9-01 (Amend); 4781-9-02 (Rescind and New); 4781-9-03 (Rescind and New); 4781-9-04 (Amend); 4781-9-05 (Rescind and New); 4781-9-06 (Amend); 4781-10-01 (Amend); 4781-11-01 (Amend); 4781-11-01.1 (Amend); 4781-11-02 (Amend); 4781-11-03 (Amend); 4781-11-04 (Amend); 4781-11-05 (Amend); 4781-11-06 (Amend); 4781-11-07 (Amend); 4781-

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117  
[CSIOhio@governor.ohio.gov](mailto:CSIOhio@governor.ohio.gov)

11-08 (Rescind); 4781-11-09 (Amend); 4781-11-10 (No Change); 4781-11-11 (Amend);  
4781-11-12 (Amend); 4781-11-13 (Rescind); 4781-11-14 (Amend); 4781-11-15 (Amend);  
4781-11-16 (Amend); 4781-11-17 (Amend); 4781-11-18 (Amend); 4781-11-19 (Rescind);  
4781-11-20 (Amend); 4781-11-21 (New); 4781-11-22 (New); 4781-12-01 (Amend); 4781-  
12-02 (Amend); 4781-12-03 (Amend); 4781-12-04 (Amend); 4781-12-04.1 (Amend); 4781-  
12-04.2 (Amend); 4781-12-05 (Amend); 4781-12-05.1 (Amend); 4781-12-05.2 (Amend);  
4781-12-06 (Amend); 4781-12-07 (Rescind and New); 4781-12-07.1 (Amend); 4781-12-  
07.2 (Amend); 4781-12-07.3 (Amend); 4781-12-08 (Amend); 4781-12-08.1 (Amend); 4781-  
12-08.2 (Amend); 4781-12-08.3 (Amend); 4781-12-09 (Amend); 4781-12-10 (Amend);  
4781-12-11 (Amend); 4781-12-12 (Amend); 4781-12-13 (Amend); 4781-12-14 (Amend);  
4781-12-15 (Amend); 4781-12-16 (Amend); 4781-12-17 (Amend); 4781-12-18 (Amend);  
4781-12-19 (Amend); 4781-12-20 (Amend); 4781-12-21 (Amend); 4781-12-22 (Amend);  
4781-12-23 (Amend); 4781-12-24 (Rescind and New); 4781-12-25 (Amend); 4781-12-26  
(Amend); 4781-12-27 (Amend); 4781-12-28 (Amend); 4781-12-29 (Amend); 4781-12-30  
(Amend); 4781-12-31 (Amend); 4781-12-32 (Amend)

---

Date: January 11, 2019

**Rule Type:**

X New  
X Amended

X 5-Year Review  
X 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

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

[CSIOhio@governor.ohio.gov](mailto:CSIOhio@governor.ohio.gov)

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.*

Please see BIA Attachment A.

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

O.R.C. 4781.04, 4781.10, 4781.14, 4781.21, 4781.23, and 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.*

Rules contained within O.A.C. Chapters 4781-6, 4781-7, 4781-8, and 4781-9 implement federal requirements found within 42 U.S.C. §§ 3535(d), 5403, 5404, and 5424, as well as 24 C.F.R. 3285 and 24 C.F.R. 3286, regarding construction and safety standards for manufactured homes. These laws and regulations require all states to administer or have the U.S. Department of Housing and Urban Development (HUD) administer a manufactured home installation program, where manufactured home installations are required to meet or exceed the standards required by federal law and the HUD rules.

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

Not applicable.

- 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)?**

The requirements of Revised Code Chapter 4781 and the rules promulgated pursuant to that chapter, provide for the protection of the public by ensuring that manufactured homes are installed safely and uniformly in Ohio and are compliant with federal standards promulgated by HUD; that manufactured housing professionals are properly licensed and regulated; to promote the safety of manufactured home park residents as well as members of the public that visit these parks; and to protect the rights and property interests of tenants and owners residing in manufactured home parks as well as those of manufactured home park operators.

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

[CSIOhio@governor.ohio.gov](mailto:CSIOhio@governor.ohio.gov)

The overarching purpose of the regulations in the area of installations, inspections, and park operations is to promote safety of residents in manufactured homes and the public in general. Moreover, setting uniform minimum education and training criteria for applicant installers and inspectors helps to ensure manufactured home owners can have greater confidence that the installation process will be handled efficiently and consistently, thereby permitting residents to move into these homes more quickly while avoiding the costs associated with delayed or mishandled installations. Additionally, given the technical nature of a field with very precise standards for compliance, setting a minimum standard for training and experience for licensure helps to assure those working in the field have the necessary expertise to do so safely and effectively.

Furthermore, manufactured housing dealers, brokers, and salespersons assist members of the public with transactions involving the purchase, lease, and sale of manufactured homes. The consumer places trust in the manufactured housing licensee and during the course of the transaction, licensees may handle consumers' moneys such as earnest money deposits, rents, and security deposits. The rules provide for minimum guidelines of professional responsibility for the licensees and establish a code of ethics for the licensees. Further, the rules permit increased efficiency in the division processing license applications and investigating enforcement actions.

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

Rules are successful when industry participants have clear, professional guidelines for interacting with consumers and other licensees. Therefore, the success of the rules can be measured by eliciting feedback from the public, stakeholders, and any interested parties regarding the clarity and impact of the rules, as well as reviewing reports and statistics of negative events occurring in manufactured housing due to installation/safety issues or the lack thereof.

The Department encourages candid input from the industry and the public to ascertain the effect of a regulation and whether improvements or amendments to the regulations are necessary to be considered.

Furthermore, regarding installers, the Department will perform follow-up inspections on a sample of manufactured home installations to verify the quality and thoroughness of the inspectors' work. There will also be a dispute resolution program available to deal with issues relating to disputes over the manufacture or installation of a home, as well as a complaint process where anyone can make complaints regarding installers or inspectors.

**77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117**

**[CSIOhio@governor.ohio.gov](mailto:CSIOhio@governor.ohio.gov)**

Through the inspection process and complaint process, the Department will be able to monitor and identify any issues relating to specific installers or deficiencies in the education, licensing, and/or discipline programs that the Department administers and will be able to address any such problems on an ongoing basis.

Regarding education issues, the Department may also attend courses or programs being offered to ensure training agencies are adhering to the continuing education course guidelines. Further, any potential disciplinary or compliance issues with licensees or inspectors that arise will provide feedback on whether these two groups are being accurately instructed on particular matters or whether the content that these courses focus on should be modified to address recurring issues.

Regarding manufactured home parks, success will be measured by working to reduce the total number of complaints received by manufactured home park residents concerning manufactured home parks and operators of those parks; working to reduce the impact and damage suffered by manufactured home park residents due to floods; quickly resolving potential disputes between tenants, owners, and operators of manufactured home parks; and seeing a reduction in the backlog of plan/permit approvals and the average plan/permit review processing time.

### **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.*

Please see the attachment BIA Stakeholder List.

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

Please see the attachment BIA Stakeholder Input.

**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?**

R.C. 4781.04(A)(1) required the Division of Industrial Compliance to adopt rules that meet or exceed the federal standards set forth by the HUD for manufactured home installations. The HUD standards were/are adopted and amended through the federal rule-making process, which involves substantial consideration and use of scientific studies and data in the development of rules. Additionally, the Division and the HUD-incorporated model standards relied upon the expertise of industry experts and scientific data through the incorporation of

**77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117**

**[CSIOhio@governor.ohio.gov](mailto:CSIOhio@governor.ohio.gov)**

reference standards drafted by specialists in the fields of fire safety, electrical safety, engineering, architecture, and construction. For example, the proposed rules, like the HUD rules, incorporate reference standards published by the National Fire Protection Association, which performs extensive research and uses fire data in the formation of its standards.

The rules were also developed with reliance upon the training, experience, and expertise within the Division, including the Bureau of Building Code Compliance (which specializes in plan review, inspections, and matters of code compliance on a daily basis), the Ohio Construction Industry Licensing Board (which concentrates on licensing functions for construction trades in Ohio as well as investigations and taking disciplinary actions for those licensees), and the Board of Building Standards (which has experience and expertise in drafting building codes and certifying building departments and inspectors).

**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?**

R.C. 4781.04(A)(1) mandates that the agency adopts rules that “[e]stablish uniform standards that govern the installation of manufactured housing *that are consistent with, and not less stringent than, the model standards for the design and installation of manufactured housing the secretary of United States department of housing and urban development adopts.*” Given this mandate of compliance with HUD standards, the agency was unable to consider alternative regulatory structures for installation standards.

In regard to standards for installer and inspector licensees, alternative regulations were considered. These included: varying the degree of education; training; criteria for approval of training agencies, instructors, and courses; course curriculum; and experience necessary to obtain and renew a manufactured home installer or inspector license in Ohio. It was determined that these alternatives were not appropriate since the requirements proposed by these rules best meet the competing interests of promoting admission of new members into the field while ensuring continued competence of new applicants and licensees; thereby, ensuring the safety of those residing in homes installed by licensees.

Manufactured housing dealers, brokers, and salespersons in Ohio are licensed through Revised Code Chapter 4781. The Revised Code mandates that the agency adopt rules necessary for implementing the provisions of Chapter 4781 relating to, but not limited to, licensing and enforcement activities.

**11. Did the Agency specifically consider a performance-based regulation? Please explain.**

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

[CSIOhio@governor.ohio.gov](mailto:CSIOhio@governor.ohio.gov)



***Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.***

The rules are regulatory in nature and are required by provisions in Revised Code Chapter 4781. The rules are a product of thorough industry and agency review. They are intended to protect consumers, provide minimum guidelines of professional responsibility, and increase agency efficiency while minimizing operating costs.

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

The Department has exclusive authority to adopt rules for and to regulate manufactured housing installers, inspectors, dealers, salespersons, brokers, and park operators.

**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.**

The Department will continue to conduct public outreach regarding changes to the rules made during the rule review process as well as continue to meet and work with the Manufactured Homes Advisory Council to make certain that all members of the manufactured housing industry are notified of the proposed rule changes. The Divisions of Industrial Compliance and Real Estate and Professional Licensing publish a newsletter which will assist in the dissemination of information about the proposed changes.

Licensees and community members may easily access the Divisions by email and telephone for questions and division staff working in this area will be available by phone or e-mail to answer questions from the industry and the public.

Also, certified inspectors and the Division of Industrial Compliance's inspectors will be reviewing all manufactured home installations in the state to ensure compliance with the standards and the forms and standards used in the inspections will come solely from the Division to make sure there is uniformity. Certified inspectors and licensed installers are required to complete continuing education and training requirements that are set by the Division. Since all education and training programs must be approved by the Division, the Division will be able to ensure that all education and training programs will be consistent with the regulations. Applicant installers and inspectors also must pass a written examination to demonstrate knowledge of the rules before they can be certified/licensed. Additionally, the Division has the authority to investigate any complaints or alleged violations of the rules by installers, inspectors, or education/training agencies. If any installers, inspectors, or education/training agencies are not performing in compliance with the rules, the Division has the ability to deny, revoke, suspend, or refuse to renew their license/certification/approval.

**77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117**

**[CSIOhio@governor.ohio.gov](mailto:CSIOhio@governor.ohio.gov)**

The Division also is authorized to investigate and enforce compliance against any parties who are violating the rules, but do not hold a license/certification/approval. All of this will allow the Division to ensure that there is consistent and predictable application of the rules.

Finally, the Department has the authority to investigate any complaints or alleged violations of the rules. If any park operator is not complying with the rules, the Division of Industrial Compliance has the ability to deny, revoke, suspend, or refuse to renew the park operator's license. The Division also is authorized to investigate and enforce compliance against any parties who are violating the rules, even if they do not have a park operator license. All of this will allow the Division to ensure that there is consistent and predictable application of the rules.

### **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;**
- b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and**
- 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.*

Please see BIA Attachment B.

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

Manufactured housing licensees assist members of the public with most transactions/interactions involving manufactured homes. Consumers inherently place trust in the manufactured housing licensee and during the course of their interactions, licensees may handle consumers' moneys such as earnest money deposits, rents, and security deposits, as well as handle day-to-day matters with regard to the safety of a manufactured home park. The rules provide guidelines for the handling of such funds, helps prevent co-mingling and provides the record keeping requirements for accounts where the funds shall be maintained, and the guidelines for installers, inspectors, and park operators to ensure the health, safety, and welfare of manufactured home residents.

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

[CSIOhio@governor.ohio.gov](mailto:CSIOhio@governor.ohio.gov)



Additionally, many of the proposed rules reduce adverse impact to the regulated business community by reducing fees, consolidating rules, and proposing to rescind rules that are duplicative of the Ohio Revised Code.

### **Regulatory Flexibility**

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

There are no exemptions or alternative means of compliance for small businesses. Since the Department is statutorily required to maintain compliance with the federal standards promulgated by the HUD, which does not provide for such exemptions or alternatives, the Division was unable to consider or implement any such exemption system.

The need for uniformity in standards is essential to ensure safe housing for Ohioans, which is one of the guiding principles of the Manufactured Homes Program and its rules; therefore, the divisions follow the same procedures for all licensees and the application and complaint process is no different for small or big businesses.

**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?**

Often, mistakes on applications and forms filed with the divisions are discovered by division employees and the licensee is notified in order to correct the paperwork without any detriment to the licensee or applicant.

Additionally, the proposed rules would permit the Superintendent of the Division of Real Estate and Professional Licensing to issue an advisory letter to brokers, dealers, and salesperson in lieu of disciplinary action. The issuance of an advisory letter will notify the licensee of actions or behavior that, if continued uncorrected, may result in a violation of license law. An advisory letter is a proactive, assistive tool to help them come into compliance with license law.

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

The Department is easily accessible by email and telephone for questions from the public. The divisions' websites contain links to newsletters, links to sample forms, and laws and rules. All the forms are accessible on the website and division staff are available to assist with questions related to the completion of the forms or general inquiries.

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

[CSIOhio@governor.ohio.gov](mailto:CSIOhio@governor.ohio.gov)

## **Ohio Dept. of Commerce, Manufactured Homes Program**

### **BIA Attachment A**

**4781-1-01, Name (Rescind)** – This rule establishes the name “Ohio Manufactured Homes Commission.” Given that the commission (OMHC) was abolished in House Bill 49 and duties were transferred to the Department of Commerce, we propose rescinding this rule.

**4781-1-02, Headquarters (Rescind)** – The rule requires the OMHC headquarters to be located in Dublin, Ohio. Given that the OMHC was abolished in House Bill 49 and duties were transferred to the Department of Commerce, we propose rescinding this rule.

**4781-1-03, Members (Rescind)** – The rule sets forth the composition of the OMHC and how vacancies are filled. Given that the OMHC was abolished in House Bill 49 and duties were transferred to the Department of Commerce, we propose rescinding this rule.

**4781-2-01, Meetings generally (Rescind)** – The rule establishes the applicable rules and governance of the OMHC meetings. Given that the OMHC was abolished in House Bill 49 and duties were transferred to the Department of Commerce, we propose rescinding this rule.

**4781-2-02, Scheduled meetings (Rescind)** – This rule establishes the scheduling of the OMHC meetings. Given that the OMHC was abolished in House Bill 49 and duties were transferred to the Department of Commerce, we propose rescinding this rule.

**4781-2-03, Meeting sites (Rescind)** – The rule states where the OMHC meetings may be convened. Given that the OMHC was abolished in House Bill 49 and duties were transferred to the Department of Commerce, we propose rescinding this rule.

**4781-2-04, Notice of meetings (Rescind)** – This rule sets forth the requirements for notices of the OMHC meetings. Given that the OMHC was abolished in House Bill 49 and duties were transferred to the Department of Commerce, we propose rescinding this rule.

**4781-2-05, Quorum/Voting (Rescind)** – This rule sets forth the quorum and voting requirements for the OMHC meetings. Given that the OMHC was abolished in House Bill 49 and duties were transferred to the Department of Commerce, we propose rescinding this rule.

**4781-3-01, Officers (Rescind)** – The rule establishes the officers of the OMHC, how the officers are elected, how vacancies are handled, and the duties of the officers. Given that the OMHC was abolished in House Bill 49 and duties were transferred to the Department of Commerce, we propose rescinding this rule.

**4781-4-01, Administration; Executive Director (Amend)** – The rule establishes the executive director of the OMHC, the duties of the executive director, and the establishment of committees. Given that the OMHC was abolished in House Bill 49 and duties were transferred to the Department of Commerce, we propose to amend the rule to allow the Director of the Department to delegate duties of the Manufactured Homes Program to the Division of Industrial Compliance (DIC) and the Division of Real Estate and Professional Licensing (REPL) as appropriate.

**4781-5-01, Public hearings (Rescind)** – This rule sets forth the requirements and applicable rules for public hearings of the OMHC, the notices related to the hearings, and information for parties affected by the OMHC’s adoption, amendment, or rescission of rules. Given that the OMHC was abolished in House Bill 49 and duties were transferred to the Department of Commerce, we propose rescinding this rule.

**Ohio Dept. of Commerce, Manufactured Homes Program**  
**BIA Attachment A**

**4781-6-01, Installation of new manufactured homes** (*Amend*) – This rule establishes uniform requirements for the installation of new manufactured homes on private property or in a manufactured home park. An amendment is being proposed to correct grammatical errors.

**4781-6-02, Installation standards for used manufactured homes** (*Amend*) – The rule establishes uniform requirements for the installation of used manufactured homes. An amendment is being proposed to conform with 24 C.F.R. 3285.2(c)(1)(ii) of HUD’s Model Manufactured Home Installation Standards (MHCSS) regarding when an installer may deviate from the manufacturer’s installation instructions or the division’s rules when handling the support and anchorage of a home. The proposed language requires an installer to first attempt to obtain DAPIA-approved (Design Approval Primary Inspection Agency) designs and instructions prepared by the manufacturer. If it is not possible, the installer can obtain designs prepared by a certified professional engineer or registered architect so long as the design is consistent with the manufactured home design, conforms to the MHCSS, and has been approved by the manufacturer and the DAPIA. The previous rule appeared to allow an installer to have a certified professional engineer or registered architect prepare designs before attempting to get DAPIA-approved designs and instructions from the manufacturer, but other existing rules already require any alternative designs or instructions to conform to the MHCSS, and the MHCSS includes 24 C.F.R. 3285.2(c)(1)(ii). So, the rules already implicitly required alternative instructions and designs to be approved by the manufacturer and DAPIA and to conform with the MHCSS. This revision just explicitly makes the provision align with the one set forth in the HUD standards.

**4781-6-03, Reference publications and definitions for installation of new and used manufactured homes** (*Amend*) – The rule sets forth the definitions and referenced publications used throughout Chapter 4781-6 of the Administrative Code. An amendment is being proposed to incorporate the following publications into the table of referenced standards: HUD - Model Manufactured Home Installation Standards (MMHIS) – 24 C.F.R. 3285, April 1, 2013 (updated from 2007 version); and National Fire Protection Association – 225 – Manufactured Homes Installations Instructions, 2017 edition.

**4781-6-03.1, Pre-installation considerations** (*Amend*) – This rule sets forth the considerations and requirements that must be done prior to installation of a manufactured home, including site safety conditions, issues involving installation in flood hazard areas, and design zone maps. An amendment is being proposed to correct grammatical errors, fix incorrect references, and to substitute “division” for “commission,” where appropriate, consistent with the recent statutory changes.

**4781-6-03.2, Site preparation** (*Amend*) – The rule sets forth the preparations that must be done to a site prior to installation of a manufactured home, including issues concerning soil conditions and drainage. An amendment is being proposed to correct grammatical errors and fix incorrect references.

**4781-6-03.3, Foundations** (*Amend*) – The rule sets forth the design and construction standards for foundations in manufactured home installations. An amendment is being proposed to fix grammatical errors.

**Ohio Dept. of Commerce, Manufactured Homes Program**  
**BIA Attachment A**

**4781-6-03.4, Anchorage against wind** (*Amend*) – The rule sets forth the installation standards for anchoring and securing a manufactured home against the wind. An amendment is being proposed to clarify that the nationally recognized testing protocol for determining the ultimate load and working load of ground anchors and anchoring equipment must meet or exceed the certification and testing protocols as set forth in 24 C.F.R. 3285.402(b).

**4781-6-03.5, Optional features** (*Amend*) – The rule establishes installation requirements regarding optional equipment or features of a manufactured home, such as expanding rooms and appliances. An amendment is being proposed to correct grammatical errors and fix incorrect references.

**4781-6-03.6, Ductwork and plumbing and fuel supply systems** (*Amend*) – This rule sets forth the installation standards for the ductwork, plumbing, and fuel supply systems for a manufactured home. An amendment is being proposed to correct grammatical errors and fix incorrect references.

**4781-6-03.7, Electrical systems and equipment** (*Amend*) – This rule sets forth the installation standards for the electrical systems and equipment for a manufactured home. An amendment is being proposed to fix grammatical errors.

**4781-6-03.8, Exterior and interior close-up** (*Amend*) – This rule sets forth the installation standards for the final leveling and closing up of a manufactured home. An amendment is being proposed to fix grammatical errors.

**4781-6-03.9, Information for installers** (*Amend*) – The rule sets forth the following: the plan review, permitting, and inspection requirements involved in manufactured home installations; the requirements for moving a manufactured home to the installation site; the installation standards for manufactured home with attached accessory building or structures; the requirements for utility connections; heating oil system requirements; and the installation standards for telephone and cable television wiring. An amendment is being proposed to allow the DIC to assign a third-party inspection agency to perform inspections or plans review if the division “determines that it is necessary,” whereas the current rule states that the DIC can assign a third-party inspection agency only if there is no certified inspection department in that region. The proposed changes also would allow the division to perform inspections or plans review “where there is no certified inspection department” or when the division determines that it is necessary, substitute the Division of Industrial Compliance in place of certain references to the “authority having jurisdiction,” and clarify what may be required to establish that alternate methods or materials are sufficient for use.

**4781-6-03.10, Stable foundation – commission approved alternative park installations** (*Amend*) – The rule sets forth the process and requirements for the use of alternative foundations designs in the installation of a manufactured home. An amendment is being proposed to correct grammatical errors and to substitute “division” for “commission,” where appropriate, consistent with the recent statutory changes.

**4781-6-03.11, Commission approved alternative installation designs for used manufactured homes** (*Amend*) – This rule sets forth the process and requirements for the use of alternative

## **Ohio Dept. of Commerce, Manufactured Homes Program**

### **BIA Attachment A**

installation designs and details for manufactured homes. An amendment is being proposed to clarify that a proposed alternative installation foundation design can include the dimensions of the “runners, ribbons, or slab” instead of “footings” where “runners, ribbons, or slab” are being used. The prior rule only said the design must include dimensions of the “footings” and did not account for when runners, ribbons, or slab would be used.

**4781-7-01, Inspections** (*Amend*) – The rule sets forth the requirements for manufactured home installation inspections, inspection seals, temporary occupancy permits, violations of inspection rules, and stop work orders. An amendment is being proposed to specify that an inspector has the right to inspect the installation of a manufactured home and conduct plan reviews of proposed manufactured home installations; state that the DIC, not the authority having jurisdiction, manages temporary occupancy permits and may take action for uncorrected violations; state that an installation inspection may be performed by a certified inspector or an inspector employed by the DIC; allow the DIC to terminate a temporary occupancy permit if “life safety hazards exist;” and to specify that fees charged for inspections, plan reviews, permits, and related services must be in accordance with O.A.C. 4781-7-10, unless preapproval from the division is obtained.

**4781-7-02, Certified manufactured home inspectors and/or plans reviewers** (*Amend*) – The rule sets forth the requirements and processes for manufactured home inspector certification, renewal, and discipline. An amendment is being proposed to exempt manufactured home inspectors who are employed by the DIC from having to be certified by the division; remove all references to manufactured home plan reviewers, allowing this rule to solely apply to manufactured home inspectors; reduce the time period for which a inspector can renew their certification from 3 years after expiration to 1 year after expiration; specify that the only certification accepted to fulfill the rule’s experience option is certification by the International Code Council or Board of Building Standards; remove the late fee for inspectors who renew their certification after expiration; clarify that the terms “crime of moral turpitude” and “disqualifying offense” shall have the same meanings as defined in R.C. 4776.10; and remove an inspector’s failure to appear for a hearing or to comply with a final adjudication order as a reason why the division may deny, suspend, revoke, or refuse to renew the certification of a manufactured home inspector.

**4781-7-03, Inspection requirements** (*Amend*) – The rule sets forth the requirements for manufactured home installation inspections and inspection requests. An amendment is being proposed to revise the provisions to state that the DIC, not the “authority having jurisdiction,” shall receive notification and be the first point of contact for inspection requests; remove language that stated if a permit holder failed to request a final inspection, the authority having jurisdiction could charge an investigation and re-inspection fee;; and revise the provision to state that the DIC, not the “authority having jurisdiction,” shall provide inspection cards and shall determine how lost, damaged, or illegible inspection cards can be replaced.

**4781-7-04, Building departments and health departments; requirements for certification to perform inspections of manufactured homes** (*Amend*) – The rule sets forth the requirements for certification of building departments and health departments to perform manufactured home inspections. An amendment is being proposed to remove the requirement that a building

## **Ohio Dept. of Commerce, Manufactured Homes Program**

### **BIA Attachment A**

department certified by the Board of Building Standards has to include a “map of the jurisdictional area” in its application for certification or renewal; remove the language that allowed certified building departments to renew their certification after it has expired, and instead, propose that certified building departments who fail to renew their certification prior to expiration are required to submit a new application for certification; and remove the requirement that a building department not certified by the Board of Building Standards or health department has to include its operating budget for the current fiscal year and population data from the last census in its application for certification.

#### **4781-7-05, Certified third party plans review agencies and certified third party inspection**

**agencies** (*Amend*) – The rule sets forth the requirements for certification of third-party inspection agencies. An amendment is being proposed to remove references to plans review agencies throughout the rule so the rule would apply to third-party inspection agencies. The proposed changes also reduce the time period a certified third-party inspection agency can renew its certification from 3 years after expiration to 1 year after expiration and remove the late fee for third-party inspection agencies who renew their certifications late.

#### **4781-7-06, Code of ethics for certified inspectors and/or certified plans reviewers** (*Amend*) –

The rule establishes a code of ethics for certified manufactured home inspectors and plans reviewers. An amendment is being proposed to remove references to plans review agencies throughout the rule so that the rule now only applies to the certified inspectors.

**4781-7-07, Commission appeals** (*Rescind*) – The rule sets forth the procedure for appeals under the OMHC. Given that the OMHC was abolished in House Bill 49 and duties were transferred to the Department of Commerce, we propose rescinding this rule.

**4781-7-08, Duties and powers of the inspector** (*Amend*) – The rule sets forth the duties and powers of an authority having jurisdiction regarding permits, plan reviews, and inspections of manufactured home installations. The rule also covers alternative designs, installations, or equipment for manufactured home installations. An amendment is being proposed to add language allowing an authority having jurisdiction to charge alternate fees other than those set forth in the rules, but only if the DIC pre-approves such alternate fees in writing; add a requirement that an authority having jurisdiction maintain records pursuant to the records retention policy of the DIC, not just its own records retention policies; remove a provision discussing that the liability of the personnel of authorities having jurisdiction for tortious acts will be determined by Ohio courts under Chapter 2744 of the Revised Code; and clarify that alternative materials, designs, and methods of installation or equipment is permitted if approved by the DIC and if in accordance with Chapter 4781 of the Revised Code and meets or exceeds the minimum requirements set forth in the Model Manufactured Home Installation Standards. The underlined part is the addition to the previous rule and is consistent with other rules in Chapter 4781-6 of the Administrative Code.

**4781-7-09, Permits and plans review for manufactured homes** (*Amend*) – The rule sets forth the requirements for permit applications, plans reviews, and inspection seals for manufactured home installations. An amendment is being proposed to revise the provisions to state that the DIC, not the “authority having jurisdiction,” shall manage and perform services relating to plans



## **Ohio Dept. of Commerce, Manufactured Homes Program**

### **BIA Attachment A**

reviews, permit issuances, and inspections for manufactured homes, and determine the information required to be submitted to obtain a permit; remove instructions for returning inspection seals to the DIC; change the retention policy for approved installation documents to be in accordance with the DIC's records retention policy, instead of being retained by the authority having jurisdiction under its own records retention policy; require any permit fees to be in accordance with the DIC's rules, unless pre-approved in writing by the DIC; remove mandatory late fee assessed for any manufactured home installation started or completed prior to the application or issuance of a permit; and remove the ability of an inspector to suspend or revoke a permit for a violation of "any ordinance or regulation."

**4781-7-10, Commission plans reviews and installation inspections (Rescind and New)** – The rule sets forth the fees related to manufactured home installations, including plans review fees, inspection fees, inspection seals fees, and temporary occupancy permit fees. An amendment is being proposed to reduce the temporary occupancy permit fee from \$75.00 plus "twenty per cent overhead" to just \$75.00; delete the provision stating that a third-party inspection or plans review fee shall be the cost to the OMHC plus twenty per cent overhead; remove the fee for plans review and inspection or part of an inspection where the OMHC delegated any part of the inspection to a third party; delete replacement fees for replacement seals and replacement temporary occupancy permits; and remove the fee for "a commission performed inspection and replacement of the OMHC seal when the inspection is provided by the commission[.]"

**4781-8-01, Installer licenses; application; identification cards and certificates (Amend)** – The rule sets forth the requirements for applying for a manufactured home installation license, license identification cards, and associated fees. An amendment is being proposed to increase the time period an applicant may apply for an installer's license from within 6 months of successfully completing an installation training course to 1 year after successfully completing an installation training course; remove the requirement for a licensee to provide a signed statement if requesting a replacement identification card or license; and eliminate the replacement fee charged for replacing identification cards/licenses.

**4781-8-02, Non-resident installers (Amend)** – The rule sets forth the requirements relating to non-resident manufactured home installers and their licenses. An amendment is being proposed to make a waiver of testing and training requirements for a non-resident installer mandatory if Ohio has a reciprocal licensing agreement with the state in which the non-resident installer has a license. The current rule said the waiver was optional in those circumstances, not mandatory.

**4781-8-03, Denial, revocation, suspension of licenses (Amend)** – The rule sets forth the procedures and standards for the denial, revocation, suspension, revocation, and refusal to renew manufactured home installer licenses. An amendment is being proposed to clarify reasons that an installer's license can be denied, suspended, revoked, or not renewed, and add persons who have had a civil penalty imposed upon them under the rule as one of the groups of people who can request an adjudication hearing. The proposed changes also remove the suspension of the license in the preceding 2 years as a reason that a license can be denied, suspended, revoked, or not renewed.

**Ohio Dept. of Commerce, Manufactured Homes Program**  
**BIA Attachment A**

**4781-8-04, License renewal** (*Amend*) – The rule sets forth the requirements for the renewal of a manufactured home installer license. An amendment is being proposed to remove the requirement that the DIC provide license “renewal stickers” to licensees who comply with renewal requirements.

**4781-8-05, Supervision of non-licensed persons** (*Rescind and New*) – The rule sets forth the requirements for manufactured home installation work performed by an unlicensed person. An amendment is being proposed to separate installations being done by a homeowner into its own rule (O.A.C. 4781-8-05.1); align with the HUD installation standard by allowing installation of a manufactured home or foundation and base support system construction by an unlicensed person so long as the unlicensed person is under the supervision of a licensed installer, whereas the current rule required on-site supervision by a licensed installer for 80% of the time; remove the statement that said that a homeowner installing his or her own home will not be eligible for the dispute resolution program for a used home; and remove the statement that said that new homes will always be eligible for dispute resolution for manufacturer’s defects.

**4781-8-05.1, Installation performed by a homeowner** (*New*) – The rule sets forth the requirements for manufactured home installations performed by a homeowner. This language was previously found in O.A.C. 4781-8-05 and is being moved to a separate rule. (Please see comments on rule 4781-8-05 for additional changes.)

**4781-8-06, Education for applicants** (*Amend*) – The rule sets forth the education and training requirements for manufactured home installer applicants. This rule also sets forth the requirements for prospective and approved training agencies regarding approval from the DIC, interactions with prospective and actual students, and reporting to the DIC. An amendment is being proposed to delete provisions regarding requirements for refunds after course cancellations; delete the requirement for a licensing education coordinator for every training agency; delete the minimum classroom size and facility requirements; delete some reporting requirements for training agencies; increase the time period an applicant may apply for an installer’s license from within 6 months of successfully completing 12 hours of initial licensing education to 1 year after successfully completing 12 hours of initial licensing education; reduce fees of training agencies; add a requirement for the DIC to notify the prospective training agency of whether it has been approved or disapproved within 60 business days; clarify that a training agency approval is good for one year; delete a maximum enrollment limit on courses; and require training agencies to maintain a copy of every roster for a class for a period of 3 years after each course is held. The amendment to this rule also separates the process of a training agency getting approval and a training agency getting course approval. Previous rule had one process for both the agency approval and course approval. Previous rules had one fee for an application for approval for an agency to offer an initial licensing course (\$150.00) and a course fee (\$5.00 per credit hour per licensee). The amended rule creates a training agency application fee (\$25.00), a course application fee (\$10.00 plus \$1.00 per credit hour for each course application submitted, not to exceed \$150.00), and reduces the course fee (\$1.00 per credit hour of instruction per attendee). This should decrease the application fees for training agencies and the course fees.

**Ohio Dept. of Commerce, Manufactured Homes Program**  
**BIA Attachment A**

**4781-8-07, Examination for installers or inspectors (Amend)** – The rule sets forth the examination requirements for manufactured home installer licenses and manufactured home inspector certifications, testing agencies, and the reporting requirements for examination providers. An amendment is being proposed to allow installer and inspector applicants to meet the licensing examination requirement by receiving a passing score within 1 year of the date of application, instead of 6 months under the current rule.

**4781-8-08, Complaints against licensees (Amend)** – The rule establishes the procedure relating to complaints against manufactured home installer licensees. An amendment is being proposed to allow complaints against licenses to be initiated by writing or by phone to the DIC, whereas the current rule requires the filing of a written petition to the DIC; remove requirement for the DIC to send a letter acknowledging every complaint against a licensee; remove requirement for the DIC to send a letter requesting the licensee to respond to the complaint; and remove requirement that the executive director report the facts of the review of all complaints to the OMHC.

**4781-8-09, Examination development and sponsor (Amend)** – The rule sets forth the requirements for providers/administrators of examinations for the manufactured home installer license or the manufactured homes inspector certification. An amendment is being proposed to correct grammatical errors and to substitute “division” for “commission,” where appropriate, consistent with the recent statutory changes.

**4781-8-10, Code of ethics for licensed manufactured home installers (Amend)** – The rule establishes a code of ethics for licensed manufactured home installers. An amendment is being proposed to broaden the current prohibition of an installer paying, soliciting, or offering a bribe to “influence favorable inspection results” to a prohibition of an installer paying, soliciting, or offering a bribe to “influence inspection results” in any manner – regardless of whether the effort is done to receive a “favorable” result. The proposed changes also limit the applicability of the code of ethics’ restrictions on an installer’s testimony in a court or quasi-judicial proceeding to when the testimony is “regarding the subject matter of manufactured housing.”

**4781-8-11, Adjudication hearings (Amend)** – The rule sets forth the process and requirements for adjudication hearings for manufactured home installer licensees or applicants. An amendment is being proposed to modify rule provisions regarding adjudication hearings to more closely align with the language and requirements of Chapter 119 of the Revised Code and to allow parties to request a continuance of the hearing by submitting a written request no later than 14 days prior to the hearing or within 3 days of receipt of notice of the hearing date, whichever is later. The underlined portion of the previous sentence is the revised component. The proposed changes also change the language requiring requests for subpoenas be made no later than 14 days prior to the hearing to language allowing a party, if notified of the hearing date less than 14 days prior to the hearing, to request a subpoena by notifying the DIC of the desire to request a subpoena, which the superintendent of the DIC will determine whether there is sufficient time before the hearing to issue the requested subpoena or whether the hearing should be continued.

**4781-9-01, Continuing education general provisions; fees for continuing education (Amend)**  
– The rule sets forth the general continuing education requirements for manufactured homes

## **Ohio Dept. of Commerce, Manufactured Homes Program**

### **BIA Attachment A**

installers and certified manufactured home inspectors, as well as the requirements for prospective and approved training agencies. An amendment is being proposed to add the requirement that courses approved for continuing education for installers must also meet the continuing education requirements for certified manufactured home inspectors; remove class enrollment and facility requirements; add specific information requirements be provided by prospective training agencies when applying to the DIC (formerly in rule 4781-9-02); add a requirement that the DIC maintain a current listing of all approved training agencies that provide continuing education for installers; clarify that a training agency's approval is for a 1-year time period; added a requirement that a training agency renew its approval annually; require fees be based on those set forth in rule 4781-9-05 and requires them to be submitted with attendance reports; require training agencies to file a renewal application for approval not more than 60 days nor less than 30 days prior to the expiration of the previous approval; and add a statement that any failure to comply with the DIC's rules can result in a training agency's approval being revoked or not renewed and that an agency that has had its approval revoked or not renewed may appeal the decision. The proposed amendment, along with the proposed amendment to rule 4781-9-03, separates the training agency approval process from the course approval process. The previous rule combined the two processes. This also separated the fees for these approvals. Previous rules had one fee for an application for approval for an agency to offer a continuing education course (\$150.00), an annual renewal fee of course approval (not to exceed \$75.00), and a course fee (\$10.00 per credit hour per licensee). The amended rules create a training agency application fee (\$25.00), a course application fee (\$10.00 plus \$1.00 per credit hour for each course application submitted, not to exceed \$150.00), an annual renewal fee of course approval (not to exceed \$75.00), and a course fee (\$1.00 per credit hour of instruction per attendee). This should decrease the total fees due from a prospective/approved training agency.

**4781-9-02, Continuing education sponsors** (*Rescind and New*) – The rule sets forth the continuing education reporting requirements for manufactured home installer licensees and certified manufactured home inspectors. An amendment is being proposed to reduce the time period an agency must retain rosters and course information from 5 years to 3 years after a course is held and change “continuing education sponsors” to “training agencies.”

**4781-9-03, Continuing education general provisions; fees for continuing education** (*Rescind and New*) – The rule sets forth the requirements for continuing education course approval and requirements for training agencies regarding the continuing education courses. An amendment is being proposed to remove the following: requirements regarding a training agency's use of its official name; provisions relating to when a course can be denied approval or have its approval withdrawn; provisions regarding a training agency's advertising; the ability of a training agency to contract with an organization to conduct approved continuing education courses; the requirement that a training agency allow an enrolled licensee to evaluate each approved course; the provision regarding requirements when the training agency has a change in ownership; provisions relating to the OMHC's process to monitor and investigate training agencies; the requirement that training agencies provide rosters of all licensees who complete an approved course and to submit the fees; and the requirement of a continuing education coordinator for each approved continuing education course. The proposed changes would also add a requirement that

## **Ohio Dept. of Commerce, Manufactured Homes Program**

### **BIA Attachment A**

an agency must be approved by the DIC before a continuing education course it offers can be approved; modify what information must be submitted to the DIC when seeking course approval; add an explicit ban on any courses taught by an instructor who is a local or state inspector and whose participation would create a conflict of interest as opined by the Ohio Ethics Commission advisory opinion 98-005; allow the DIC to subject an installer and/or a training agency to disciplinary action and/or revocation of a license/approval; add a provision requiring a training agency to submit its application for course approval not less than thirty days nor more than 1 year prior to the date of the course offering; add requirements for computer-based courses to ensure active participation of students; and change the limit of classroom instruction per day from 8 hours to 10 hours.

**4781-9-04, Instructor requirements** (*Amend*) – The rule sets forth the requirements for continuing education instructors. An amendment is being proposed to remove provisions relating to the OMHC’s staff receiving continuing education credit.

**4781-9-05, Distance learning** (*Rescind and New*) – The rule establishes the fees for continuing education courses and annual approval of training agencies. An amendment is being proposed to replace provisions regarding distance learning (incorporated into O.A.C. 4781-9-03) with the fee structure for continuing education fees. The proposed changes generally reduce all continuing education fees or keep them the same. See the discussion of the change above in rule 4781-9-01 for details of the exact fee changes.

**4781-9-06, Non-resident licensees and continuing education credit** (*Amend*) – The rule sets forth the requirements regarding continuing education for non-resident manufactured home installer licensees. An amendment is being proposed to remove the fee for non-resident licensees to pay upon approval of a non-division-approved course for credit.

**4781-10-01, Dispute resolution** (*Amend*) – The rule outlines the alternative dispute resolution process regarding a defect or warranty issue with a new manufactured home or installation with respect to a used manufactured home. An amendment is being proposed to correct grammatical errors, fix incorrect references, and to substitute “division” for “commission,” where appropriate, consistent with the recent statutory changes. The proposed changes also permit alternative dispute resolution regarding a defect or warranty issue with a new manufactured home or installation with respect to a new or used manufactured home.

**4781-11-01, General provisions and requirements for manufactured housing dealer, manufactured housing broker, and manufactured housing salesperson licensure** (*Amend*) – This rule provides the definitions for purposes division 4781:11 of the Ohio Administrative Code. The rule also provides the procedure for the application for a manufactured housing dealer’s license and salesperson’s license. An amendment is being proposed to do the following: substitute “department of commerce and division of real estate and professional licensing” for “commission” due to recent statutory changes to Chapter 4781 of the Ohio Revised Code; and permit electronic signatures on applications, requires notification of physical location and address of applicant if the address is different from the business address. The changes also require documentation from the Office of the Secretary of State demonstrating that the applicant has properly registered the dealership or brokerage to do business in the State of Ohio and

## **Ohio Dept. of Commerce, Manufactured Homes Program**

### **BIA Attachment A**

proposes modifying the rule to allow payments to be made to the division of real estate and professional licensing consistent with statutory changes. The changes proposed reduce the applicant fees for the dealer's, broker's, and the salesperson's license but require a service fee for some applications. Lastly, the proposed rule changes would require an applicant to correct incomplete or incorrect applications within 30 days or seek an extension of time to make the corrections.

#### **4781-11-01.1, Code of ethics for manufactured home dealers, brokers and salespersons**

**(Amend)** – This rule creates and details the code of ethics for manufactured home dealers, brokers, and salespersons. The rule also provides the reason for having a code of ethics for such licensees including establishing high standards of skill and practice in the sale of manufactured homes and safeguarding the public in addition to specifically establishing that such licensees are required to have knowledge of the laws that govern the license. An amendment is being proposed to correct grammatical errors, to address the necessary changes to substitute “division of real estate and professional licensing” for “commission” consistent with statutory changes, and to explicitly state that a licensee has a duty to respond to requests for information from the division.

**4781-11-02, Denial of licensure** **(Amend)** – This rule lists the reasons that the superintendent shall deny and refuse to issue a dealer, broker, or salesperson's license. An amendment is being proposed to correct grammatical errors and to substitute “division of real estate and professional licensing” for “commission”, and “superintendent” for “executive director” to conform with recent statutory changes to Chapter 4781 of the Ohio Revised Code. Lastly, the proposed changes include the requirement of the superintendent to notify an applicant, upon denial, of the right to request a hearing pursuant to Chapter 119 of the Ohio Revised Code.

**4781-11-03, License issuance** **(Amend)** – This rule specifies that once the superintendent has granted an application for a dealer, broker, or salesperson's license, the license shall be issued and prescribes where the license is to be sent. An amendment is being proposed to correct grammatical errors and to substitute “division of real estate and professional licensing” for “commission”, and “superintendent” for “executive director” to conform with recent statutory changes to Chapter 4781 of the Ohio Revised Code.

**4781-11-04, Replacement issuance** **(Amend)** – This rule provides the process and fee associated with obtaining a duplicate license in the event of loss, mutilation, or destruction of a dealer, broker, or salesperson's license. An amendment is being proposed to substitute “division of real estate and professional licensing” for “commission” and to change the fee from \$25.00 to the fee set forth in the appropriate administrative rule.

**4781-11-05, License renewal** **(Amend)** – This rule provides when a dealer, broker, or salesperson is required to renew his or her license, the requirements for renewal, the procedure if one does not meet the renewal requirements, and the effect of failing to timely renew one's license. An amendment is being proposed to substitute “superintendent” or “division,” as appropriate, for “commission” in accordance with the recent statutory changes to Chapter 4781 of the Ohio Revised Code. Further, the proposed changes increase notice of renewal to a licensee from 30 to 60 days prior to expiration. Lastly, the amendment states that the superintendent shall issue a notice and provide the reason for denial and the procedure to request a hearing in



## **Ohio Dept. of Commerce, Manufactured Homes Program**

### **BIA Attachment A**

accordance with Chapter 119 of the Ohio Revised Code if a licensee does not meet any of the requirements and is denied the renewal of his or her license.

**4781-11-06, Display of license** (*Amend*) – This rule provides that each dealer and broker must keep the license, or a certified copy, for the dealer or broker’s licensed salespersons and maintain the license in a conspicuous place in the business. Further, the salesperson must carry his or her license, or a certified copy, and provide it upon demand. An amendment is being proposed to correct grammatical errors and to update the rule following the recent statutory changes to Chapter 4781 of the Ohio Revised Code.

**4781-11-07, Notification of change of information** (*Amend*) – This rule requires a dealer or broker to notify the division of real estate if there is a change in status as a dealer or broker and provides the method by which the notification is to be made as well as the timeframe for making the notification. An amendment is being proposed to add two reasons to the list of status changes that require notification to the division and to substitute “division of real estate” for “manufactured homes commission” consistent with the recent statutory changes.

**4781-11-08, Written contract requirements** (*Rescind*) – This rule states each retail sale of a manufactured home or mobile home shall be preceded by a written contract. We propose rescinding this rule to reduce redundancy. The language in the current rule may be found verbatim in statute, with the exception of subsection (A)(8), specifically in Section 4781.24 of the Ohio Revised Code.

**4781-11-09, Manufactured housing dealer net worth and bond requirement** (*Amend*) – This rule requires that a manufactured housing dealer have a net worth of, at least, \$75,000, and requires the dealer to purchase and maintain a bond in the amount of \$25,000. An amendment is being proposed to substitute “division” for “commission” consistent with the statutory changes to Chapter 4781 of the Ohio Revised Code.

**4781-11-10, Manufactured housing broker bond requirement** (*No change*) – This rule requires a manufactured housing broker applicant and manufactured broker to purchase and maintain a \$25,000.00 bond. No changes are being proposed for this rule.

**4781-11-11, Manufactured housing broker special or trust bank account** (*Amend*) – This rule requires manufactured housing brokers to maintain a special or trust account in Ohio for the deposit of escrow funds, security deposits, and other moneys received by the manufactured housing broker in a fiduciary capacity. The rule also requires that the broker submit written proof of the continued maintenance of the trust or special account. An amendment is being proposed to correct grammatical errors and to substitute “division of real estate and professional licensing” for “commission” consistent with the statutory changes to Chapter 4781 of the Ohio Revised Code. Additionally, the proposed changes require the broker to provide the name and address of the financial institution where the account is maintained, provides that a broker may maintain the broker’s own funds in the account only for specific purposes, and sets forth the citation for a violation of this rule.

**Ohio Dept. of Commerce, Manufactured Homes Program**  
**BIA Attachment A**

**4781-11-12, Salesperson license suspension, reinstatement, and transfer (Amend)** – This rule provides the reasons for which a salesperson’s license shall be suspended. An amendment is being proposed replacing “commission” with “division of real estate and professional licensing” or “division” as appropriate and consistent with the statutory changes to Chapter 4781 of the Ohio Revised Code. Further, the rule deletes the reference to the \$25.00 reinstatement fee and references the applicable rule which establishes and sets out the appropriate fee.

**4781-11-13, Investigation initiation (Rescind)** – This rule establishes how investigations of license holders are initiated. We propose rescinding this rule to reduce redundancy. This procedure is established in Section 4781.21 of the Ohio Revised Code and this rule, in part, is proposed to be merged into rule 4781-11-14 of the Ohio Administrative Code.

**4781-11-14, Complaint procedure (Amend)** – This rule establishes the procedure for complaints received by an individual regarding the alleged inappropriate actions of a manufactured housing dealer, broker, or salesperson. An amendment is being proposed to permit the superintendent to investigate allegations of unlicensed activity upon receipt of a complaint or upon the superintendent’s own motion. The proposed changes also include substituting “superintendent” and “division” where appropriate and consistent with the recent statutory changes. Further, the proposed rules add to the remedial actions that may be taken by the superintendent including adding the ability to issue an advisory letter and order a civil penalty for unlicensed activity.

**4781-11-15, Adjudication process (Amend)** – This rule details the adjudication process when taking disciplinary measures against a licensee’s license. An amendment is being proposed to substitute “division” where appropriate and consistent with the recent statutory changes. Further, the proposed changes streamline the rule by noting that the adjudication process must follow Chapter 119 of the Ohio Revised Code and deletes duplicative sections that can be found in Chapter 119. The proposed changes also add that the record of the adjudication hearing may be by audio or video teleconferencing but that a stenographic service other than the electronic version may be requested by one of the parties to the hearing. Lastly, the proposed changes permit publication of disciplinary action once final.

**4781-11-16, Manufactured housing broker business establishment (Amend)** – This rule establishes the minimum requirements that must be met for the established place of business for a manufactured housing broker. An amendment is being proposed to specifically delineate the requirements for maintaining a business establishment of a licensed manufactured housing broker. The proposed changes also note that no dealer, agent, or representative may alter the business location to make it inconsistent with the requirements of Chapter 4781 of the Ohio Revised Code. These amendments are consistent with the modernization of the motor vehicle dealer rules for a business establishment.

**4781-11-17, Manufactured housing dealer business establishment (Amend)** – This rule establishes the minimum requirements that must be met for the established place of business for a manufactured housing dealer. An amendment is being proposed to specifically delineate the requirements for maintaining a business establishment of a licensed manufactured housing

## **Ohio Dept. of Commerce, Manufactured Homes Program**

### **BIA Attachment A**

dealer. The proposed changes also note that no broker, agent or representative may alter the business location to make it inconsistent with the requirements of Chapter 4781 of the Ohio Revised Code. These amendments are consistent with the modernization of the motor vehicle dealer rules for a business establishment.

**4781-11-18, Record Retention** (*Amend*) – This rule requires that manufactured housing dealers and brokers maintain specific records of all homes sold, leased, and purchased. The rule establishes how the records are to be maintained. An amendment is being proposed to make grammatical changes and establish that records may be retained electronically and require maintenance of trust account records.

**4781-11-19, Prohibited activities** (*Rescind*) – This rule provides prohibited activities taken by individuals with respect to manufactured homes. We propose a rescission due to the language being duplicative of Chapter 4781.16 of the Ohio Revised Code.

**4781-11-20, Foreign business license** (*Amend*) – This rule establishes that a foreign business license must be issued for those who have a principal place of business outside of Ohio and who are not otherwise required to be licensed in order to sell at retail, display, offer for sale, or deal in manufactured housing. An amendment is being proposed to replace “commission” with “division”, as appropriate, consistent with the statutory changes to Chapter 4781 of the Ohio Revised Code. Further the proposed changes add sole proprietor, partner, or individual who has submitted an application to the division and requires that the entity be actively registered with the Ohio Secretary of State.

**4781-11-21, Non-sufficient funds items** (*New*) – This new rule addresses the procedure to follow should an applicant submit a payment method that is returned to the division unpaid. The proposed rule permits the superintendent, upon notice of an unpaid returned item, to reject the application unless the applicant submits the application fee and an additional \$50.00. If a license was issued prior to notice of the unpaid instrument, the licensee would be subject to suspension until the insufficiency is satisfied.

**4781-11-22, Sign required to identify place of business** (*New*) – This new rule requires specific signage in order to obtain a manufactured housing dealer or broker’s license. The new rule requires manufactured housing broker and dealer license applicants to display signage that includes the name of the business as registered with the secretary of state and includes specific requirements for the signage.

**4781-12-01, Manufactured home park definitions** (*Amend*) – This rule sets forth the definitions of terms used in Chapter 4781-12 of the Administrative Code. An amendment is being proposed to correct grammatical errors, fix incorrect references, and to substitute “division” for “commission,” where appropriate, consistent with the recent statutory changes.

**4781-12-02, Application of rules; license for manufactured home parks** (*Amend*) – This rule establishes the applicability of Chapter 4781-12 to manufactured home parks and the requirement for a park operator license. An amendment is being proposed to correct grammatical

**Ohio Dept. of Commerce, Manufactured Homes Program**  
**BIA Attachment A**

errors and to substitute “division” for “commission,” where appropriate, consistent with the recent statutory changes.

**4781-12-03, Manufactured home park license, contents of (Amend)** – This rule sets forth the requirements for the contents, placement, and transfer of a manufactured home park operator license. An amendment is being proposed to substitute “division” for “commission,” where appropriate, consistent with the recent statutory changes.

**4781-12-04, Application for manufactured home park license (Amend)** – This rule sets forth the requirements for a manufactured home park operator license application. An amendment is being proposed to remove the requirement that a park operator make a “written” application for a license and to allow an operator to make application electronically or as the DIC otherwise dictates.

**4781-12-04.1, Manufactured home park inspection (Amend)** – This rule sets forth the inspection requirements for manufactured home parks. An amendment is being proposed to correct grammatical errors, fix incorrect references, and to substitute “division” for “commission,” where appropriate, consistent with the recent statutory changes.

**4781-12-04.2, Manufactured home park license fee categories (Amend)** – This rule sets forth the fees for a manufactured home park operator license. An amendment is being proposed to correct grammatical errors and to substitute “division” for “commission,” where appropriate, consistent with the recent statutory changes.

**4781-12-05, Development plan approval required (Amend)** – This rule sets forth the requirements for development or re-opening of a manufactured home park and plan approval. An amendment is being proposed to fix incorrect references and to substitute “division” for “commission,” where appropriate, consistent with the recent statutory changes.

**4781-12-05.1, Submission for review and approval of development plans (Amend)** – This rule sets forth the requirements for submission and approval of development plans for a manufactured home park. An amendment is being proposed to allow plans and accompanying documents to be submitted electronically, in addition to hard copy.

**4781-12-05.2, Compliance with approved plans, verification inspections (Amend)** – This rule sets forth the compliance requirements for approved development plans and verification inspections. An amendment is being proposed to correct grammatical errors, fix incorrect references, and to substitute “division” for “commission,” where appropriate, consistent with the recent statutory changes.

**4781-12-06, Site (Amend)** – This rule sets forth the requirements for a manufactured home park site. An amendment is being proposed to correct grammatical errors and to substitute “division” for “commission,” where appropriate, consistent with the recent statutory changes.

**4781-12-07, Flood plain management – notification of flood events (Rescind and New)** – This rule sets forth the requirements for flood plain management during flood events that affect a manufactured home park. An amendment is being proposed to change the provision to state that

## **Ohio Dept. of Commerce, Manufactured Homes Program**

### **BIA Attachment A**

this rule applies whenever there is a flood event in a manufactured home park – not just a flood event in a manufactured home park “in a one-hundred-year flood plain” – to align with O.R.C. 4781.33; allow a park operator to notify the DIC and local board of health by e-mail, in addition to by telephone or in person; clarify what information a park operator is required to provide to the DIC and local board of health in the notice of a flood event; and remove the requirement of the DIC having to notify the local board of health of the flood event since the park operator is already required to notify the local board of health.

**4781-12-07.1, Flood plain management development permits** (*Amend*) – This rule sets forth the requirements for flood plain management development permits. An amendment is being proposed to align the language for the flood plain development permit application process with the language of the development plan submission process, which requires a site-specific drawing designed by an Ohio registered engineer. The amendment also removes the increased fee for flood plain management permits that are issued when plan review is not required under rule 4781-12-05 of the Administrative Code, making the lower \$50.00 permit fee apply to all flood plain management permits, regardless of whether a plan review is required.

**4781-12-07.2, Flood plain management permit inspections** (*Amend*) – This rule sets forth the requirements for inspections associated with a flood plain management permit. An amendment is being proposed to fix incorrect references and to substitute “division” for “commission,” where appropriate, consistent with the recent statutory changes.

**4781-12-07.3, Flood plain management elevations; floodway regulations** (*Amend*) – This rule sets forth requirements for elevation and floodway regulations for the placement of a manufactured home in a lot located in a 100-year flood plain. An amendment is being proposed to correct grammatical errors and to substitute “division” for “commission,” where appropriate, consistent with the recent statutory changes.

**4781-12-08, Manufactured home lots** (*Amend*) – This rule sets forth the requirements for manufactured home lots in manufactured home parks. An amendment is being proposed to change the provision to state that the DIC shall conduct a hearing regarding a variance either within 30 days after receiving the application for a variance or a request for a continuance made by the applicant. The underlined language is the new addition to the rule.

**4781-12-08.1, Freestanding auxiliary buildings** (*Amend*) – This rule sets forth the requirements for freestanding auxiliary buildings in manufactured home parks. An amendment is being proposed to correct grammatical errors.

**4781-12-08.2, Tiedowns; supports; blocking** (*Amend*) – This rule sets forth the requirements for tiedowns, supports, and blocking of manufactured homes in manufactured home parks. An amendment is being proposed to make a few non-substantive corrections to punctuation and the language.

**4781-12-08.3, Placement notification** (*Amend*) – This rule outlines information that a manufactured home park operator must submit to the DIC regarding lots, auxiliary buildings, manufactured homes, etc. An amendment is being proposed to correct grammatical errors and to

## **Ohio Dept. of Commerce, Manufactured Homes Program**

### **BIA Attachment A**

substitute “division” for “commission,” where appropriate, consistent with the recent statutory changes.

**4781-12-09, Streets; walkways; auto parking** (*Amend*) – This rule sets forth the requirements for streets, walkways, and auto parking in manufactured home parks. An amendment is being proposed to update the version of the Ohio Dept. of Transportation Construction and Material Specifications manual referenced from the 1991 version to the 2016 version.

**4781-12-10, Lighting** (*Amend*) – This rule sets forth the requirements for lighting in manufactured home parks. An amendment is being proposed to correct one term.

**4781-12-11, Water systems** (*Amend*) – This rule sets forth the requirements for water systems in manufactured home parks. An amendment is being proposed to correct grammatical errors.

**4781-12-12, Storm water systems** (*Amend*) – This rule sets forth the requirements for storm water systems in manufactured home parks. An amendment is being proposed to update the version of the Ohio Dept. of Transportation Manual of Location and Design, volume 2, Drainage Design referenced from the 1992 version to the 2018 version because the 2018 version is much more accessible.

**4781-12-13, Location of lines** (*Amend*) – This rule sets forth the requirements for the location of water and sewer lines in manufactured home parks. An amendment is being proposed to correct grammatical errors.

**4781-12-14, Park service building** (*Amend*) – This rule sets forth the requirements for park service buildings in manufactured home parks. An amendment is being proposed to correct grammatical errors.

**4781-12-15, Number of plumbing fixtures** (*Amend*) – This rule sets forth the requirements for plumbing fixtures in manufactured home parks. An amendment is being proposed to correct grammatical errors and to fix incorrect references.

**4781-12-16, Sewage** (*Amend*) – This rule sets forth the requirements for sewage in manufactured home parks. An amendment is being proposed to correct grammatical errors.

**4781-12-17, Manufactured home connections** (*Amend*) – This rule sets forth the requirements for manufactured home connections to sewer system in manufactured home parks. An amendment is being proposed to correct grammatical errors.

**4781-12-18, Solid waste, collection and storage** (*Amend*) – This rule sets forth the requirements for the collection and storage of solid waste in manufactured home parks. An amendment is being proposed to correct grammatical errors.

**4781-12-19, Electrical systems** (*Amend*) – This rule sets forth the requirements for electrical systems in manufactured home parks. An amendment is being proposed to fix incorrect references and to substitute “division” for “commission,” where appropriate, consistent with the recent statutory changes.



**Ohio Dept. of Commerce, Manufactured Homes Program**  
**BIA Attachment A**

**4781-12-20, Fire protection** (*Amend*) – This rule sets forth the requirements for fire protection in manufactured home parks. An amendment is being proposed to correct grammatical errors.

**4781-12-21, Recreation area and facilities** (*Amend*) – This rule sets forth the requirements for recreation areas and facilities in manufactured home parks. An amendment is being proposed to correct grammatical errors.

**4781-12-22, Maintenance** (*Amend*) – This rule sets forth the requirements for maintenance of a manufactured home park. An amendment is being proposed to substitute “division” for “commission,” where appropriate, consistent with the recent statutory changes.

**4781-12-23, Rules** (*Amend*) – This rule sets forth the requirements for park rules for a manufactured home park. An amendment is being proposed to correct grammatical errors.

**4781-12-24, On duty** (*Rescind and New*) – This rule sets forth the requirements for park operators concerning their availability to residents for non-emergency and emergency matters in a manufactured home park. An amendment is being proposed to specify that a park operator or authorized representative must be available to the residents and the DIC to respond to non-emergency park matters during “regular business hours” and available by telephone for emergencies. The current rule only requires the park operator be “available,” without clarification as to how, when, and for what issues.

**4781-12-25, Records** (*Amend*) – This rule sets forth the requirement for a manufactured home park to keep and make records/reports as required by the DIC. An amendment is being proposed to substitute “division” for “commission,” where appropriate, consistent with the recent statutory changes.

**4781-12-26, Maintenance of records** (*Amend*) – This rule sets forth the requirement for a manufactured home park to develop a records policy. An amendment is being proposed to substitute “division” for “commission,” where appropriate, consistent with the recent statutory changes.

**4781-12-27, Contracts for commission’s annual inspections** (*Amend*) – This rule establishes the right of the DIC to enter into contracts for the performance of the Division’s annual inspection responsibilities in manufactured home parks. An amendment is being proposed to correct grammatical errors and to substitute “division” for “commission,” where appropriate, consistent with the recent statutory changes.

**4781-12-28, Manufactured home parks; resident’s remedies; retaliation prohibited** (*Amend*) – This rule sets forth the requirements regarding retaliation by a park operator against residents and the remedies of residents for such retaliation. An amendment is being proposed to correct grammatical errors and to substitute “division” for “commission,” where appropriate, consistent with the recent statutory changes.

**4781-12-29, Rental agreements; disclosures; rules; prohibited conditions** (*Amend*) – This rule sets forth the requirements regarding rental agreements, disclosures, rules, and prohibited conditions for a manufactured home park. An amendment is being proposed to correct

**Ohio Dept. of Commerce, Manufactured Homes Program**  
**BIA Attachment A**

grammatical errors, fix incorrect references, substitute “division” for “commission,” where appropriate, and expands the availability of certain remedies afforded an owner or tenant to include when a park operator violated specific provisions of the rule regarding improper charges, unreasonable refusals to enter into a rental agreement, improper requiring of an owner to remove a home from the park, and the denial of an owner’s right to sell his/her home in a park.

**4781-12-30, Resident’s duties** (*Amend*) – This rule sets forth the duties of residents in a manufactured home park. An amendment is being proposed to substitute “division” for “commission,” where appropriate, consistent with the recent statutory changes.

**4781-12-31, Intimidation prohibited** (*Amend*) – This rule sets forth the prohibitions regarding intimidation by a manufactured home park operator and the resulting remedies. An amendment is being proposed to correct grammatical errors, remove a duplicate provision, and to substitute “division” for “commission,” where appropriate, consistent with the recent statutory changes.

**4781-12-32, Security deposit limitations** (*Amend*) – This rule sets forth the requirements for security deposits for manufactured home park tenancies. An amendment is being proposed to correct grammatical errors and to substitute “division” for “commission,” where appropriate, consistent with the recent statutory changes.

# **Ohio Dept. of Commerce, Manufactured Homes Program BIA Stakeholder List**

## **Consumer Advocates**

1. Association of Manufactured Home Residents in Ohio (AMHRO)
2. Ohio Legal Aid Society

## **Industry**

3. Ohio Manufactured Homes Association (OMHA)
4. 3<sup>rd</sup>-party Inspection Companies
5. Ohio Association of Realtors
6. Licensees

## **Regulator/Law**

1. Ohio EPA
2. Ohio Department of Health
3. Local Health Districts
4. Ohio Public Health Association
5. Ohio Fire Chiefs Association
6. Ohio Building Officials Association
7. Ohio Clerks of Court Association
8. Ohio BMV
9. Ohio County Commissioners Association
10. Ohio Township Association (OTA)
11. Ohio Municipal League (OML)
12. Housing and Urban Development (HUD)
13. Ohio Association of Plumbing Inspectors (OAPI)
14. International Code Council (ICC)
15. Ohio State Fire Council
16. Ohio Board of Building Standards (BBS) – Residential Construction Advisory Committee (RCAC)
17. Ohio Construction Industry Licensing Board (OCILB)

## **Comments on Manufactured Home Program Rules for the Division of Industrial Compliance**

The Division of Industrial Compliance (DIC) has received comments via the Manufactured Homes Program (MHP)'s general e-mail (MHProgram@com.state.oh.us) and by telephone regarding Chapters 4781-6 to 4781-9 and Chapter 4781-12 of the Administrative Code. The DIC reviewed and considered all comments received. The comments that the DIC received are as follows:

### **Comments on the Rules Generally**

- Bill Fuller, President of Country Parks, Inc. and owner of two manufactured home parks in Ohio, requested that the rules not “place any new required expenses right as the industry is finally starting to rebound some in Ohio” because such expenses may make it hard for park operators to keep rents low, particularly in poor economic areas. Fuller states that increased expenses and requirements will hurt the poor and low-income residents the most and will make manufactured/mobile home housing less accessible.
- Bill Fuller - licensed installer, majority stockholder and President of Green Valley Homes, Inc. (manufactured home sales), and operator of three manufactured home parks in Ohio – commented that the proposed changes to the rules add more responsibilities on the installers and decrease the responsibilities of the homeowners and inspectors, which he believes will result in less licensed installers in Ohio. Fuller also states that the increased costs associated with manufactured homes and manufactured home parks threatens both the parks' continued existences and the residents'/homeowners'. Fuller also alleges that he has been told that installers are being informed in continuing education classes that inspectors have “no responsibility” in what they inspect and that the responsibility for all work falls on the installer. Fuller believes that, if this is true, it would not be fair and will result in less installers and higher costs. Fuller believes higher standards, additional costs, and the shifting of responsibility to installers will hurt everyone in the manufactured home industry and reduce the availability of “affordable housing.”

### **Chapter 4781-6: Installation Standards**

4781-6-02(A)(2)(b) – Variations to installation instructions.

- The Ohio Manufactured Homes Association (OMHA) requested that this provision be changed to mirror 24 C.F.R. 3285.2(c)(1)(ii) of HUD's Model Manufactured Home Installation Standards, as the wording was similar, but not the same. HUD's provision requires an installer to have more involvement by the manufacturer and comply with more standards before an installer can deviate from the manufacturer's installation instructions or the DIC's rules when handling the support and anchorage of a home.

***DIC Comment:** The DIC reviewed 24 C.F.R. 3285.2(c)(1)(ii) of HUD's Model Manufactured Home Installation Standards and believes that rule 4781-6-02(A)(2)(b) does meet the standard set forth in HUD's Model Manufactured Home Installation Standards by reading that rule in conjunction with other rules (e.g., 4781-6-01, 4781-6-02, 4781-6-03.3, 4781-6-03.4, 4781-6-03.10, and 4781-6-03.11). That being said, to explicitly and more clearly align the rule with the HUD rule, O.A.C. §4781-6-02(A)(2)(b) was revised as requested by the commenter, and the provision of the proposed rule reads as follows:*

*When an installer does not provide support and anchorage in accordance with the approved manufacturer's installation instructions, or in accordance with rule 4781-6-02 of the*

*Administrative Code, or encounters site or other conditions (such as areas that are subject to flood damage or high seismic risk) that prevent the use of the instructions or this rule, the installer shall: (i) First attempt to obtain DAPIA-approved designs and instructions prepared by the manufacturer; or (ii) If designs and instructions are not available from the manufacturer, obtain an alternate design prepared and certified by an Ohio registered professional engineer or registered architect for the support and anchorage of the manufactured home that is consistent with the manufactured home design, conforms to the requirements of the MHCSS, and has been approved by the manufacturer and the DAPIA.*

4781-6-03.11 – Division approved alternative installation designs for used manufactured homes.

- The Ohio Manufactured Homes Association (OMHA) stated that the Ohio Manufactured Homes Commission (OMHC) had used multiple “frost free” alternative foundation designs that had been prepared by a certified engineer as a result of a multi-year engineer field study. The OMHA stated that, to the best of its knowledge, none of the support systems installed using these alternative foundation designs failed during the thirteen (13) year tenure of the OMHC. The OMHA requested that the “frost free” alternative foundation designs be incorporated into the rules.

*DIC Comment: O.A.C. §4781-6-03.11 permits the DIC to approve and distribute alternative installation foundation designs, such as the designs discussed in the OMHA’s comment, so long as the alternative foundation designs comply with the requirements of the rule. The DIC will consider any alternative installation foundation designs it receives for review, and the DIC encourages the OMHA, and any other person or entity, to submit any alternative foundation designs that it desires the DIC to approve pursuant to this rule. The DIC is currently working with the OMHA to obtain and review the “frost free” alternative designs referred to in the OMHA’s comment.*

#### Chapter 4781-7: Inspections

4781-7-02(A) – Certified manufactured home inspectors.

- The Ohio Manufactured Homes Association (OMHA) requested that DIC-employed inspectors be required to meet the same experience and education minimums that non-DIC-employed inspectors have to meet. Specifically, the OMHA believes the DIC-employed inspectors should be required to obtain the same 12 hour continuing education/certification, including the minimum 8 hours specific to manufactured homes, that certified inspectors who are not employed by the DIC are required to have.

*DIC Comment: The DIC will ensure that the inspectors it employs will meet or exceed the experience and education requirements for certified manufactured home inspectors through the DIC’s internal processes.*

4781-7-03(B) – Inspection requests.

- The Ohio Manufactured Homes Association (OMHA) requested that this rule be clarified as to whether an installer has to wait and give the DIC three days to complete the inspection before contacting a certified inspector outside of the DIC. The OMHA would like the rule changed to state that an installer can contact a certified inspector not employed by the DIC before the three-day period after the request for inspection has elapsed – to prevent any delay in inspections.

*DIC Comment: As the DIC is authorized under R.C. 4781.06 and R.C. 4781.07 to certify and contract with local building departments, health departments, and/or third party agencies to perform any of its functions under Chapter 4781 of the Revised Code, including inspections, the existing practice allowing permit holders to contact their certified building department, health department, or third party agency who has jurisdiction for an inspection shall be unchanged. The contract between the DIC and the local certified inspection department/agency will determine the rights and obligations of the department/agency regarding inspections, and there should be no new change in the process that would create any delay in inspections under this proposed rule.*

## Chapter 4781-8: Licensing

4781-8-05 – Installations, foundation, and base support system construction work performed by unlicensed persons.

- Bill Fuller, President of Country Parks, Inc. and owner of two manufactured home parks in Ohio, commented that he does not believe the rules should require a licensed installer be on-site at all times during an installation for a manufactured home. Fuller believes this would be placing standards on manufactured homes that are more commercial-like in nature than what they should be intended for – affordable residential housing. Fuller believes requiring a licensed installer to be on-site at all times is unnecessary and will result in more contractors avoiding manufactured housing and will make manufactured housing less affordable and accessible.
- The Ohio Manufactured Homes Association (OMHA) requested that this rule be modified to be worded in the same manner as 24 C.F.R. 3286.407 of HUD’s Manufactured Home Installation Program, which does not set forth a percentage requirement for when a licensed installer must be on-site, but only states that an installer is “responsible for the work performed by each person engaged to perform installation tasks on a manufactured home[.]” The OMHA requested that any percentage requirement or requirement regarding when an installer must be on-site should be removed, leaving just a statement regarding the responsibility of a licensed installer for work performed by each person engaged to perform installation tasks on the home.

*DIC Comment: After review of the comments received and 24 C.F.R. 3286.407 of HUD’s Manufactured Home Installation Program for HUD-administered states, O.A.C. §4781-8-05 was revised to more closely follow the HUD provision to read as follows (changes underlined):*

*Except as provided in rule 4781-8-05.1 of the Administrative Code, no person shall install a manufactured home or perform foundation and base support system construction in Ohio unless licensed by the division or under the supervision of a licensed installer. A licensed manufactured home installer will be responsible for any installation tasks, including foundation and base support system construction work, that an unlicensed person performs on a manufactured home.*

4781-8-05.1 – Installation performed by a homeowner.

- Bill Fuller - licensed installer, majority stockholder and President of Green Valley Homes, Inc. (manufactured home sales), and operator of three manufactured home parks in Ohio – does not think it is fair that a homeowner can install his/her own manufactured home on private property, but not in a manufactured home park. Fuller believes this provision places manufactured home parks in an unfair financial position.
- The Ohio Manufactured Homes Association (OMHA) requested that homeowners not be permitted to install their own manufactured homes on private property or in manufactured home



parks, unless they are licensed installers. The OMHA commented that most states do not allow homeowners to install their own homes, unless licensed, without exception, and that the reason for this is because most homeowners do “not have the skills or tools to perform installations safely and correctly.”

*DIC Comment: R.C. 4781.11(B)(1) states: “Nothing in this chapter requires a person to obtain a manufactured housing installer license to install manufactured housing for the person’s own occupancy if the manufactured housing is located on property that the person owns and is not located in a manufactured home park.” The DIC cannot adopt or promulgate a rule that conflicts with a statute passed by the Ohio General Assembly, and, accordingly, if the commenting parties desire the changes discussed in their comments, that would be an issue for the state legislature to decide.*

#### Chapter 4781-9: Continuing Education

##### 4781-9-03(D) – Instructors.

- The Ohio Manufactured Homes Association (OMHA) commented that “industry experts” should be permitted to offer continuing education courses or modules because they have “precisely the specialized expertise needed to train inspectors and installers properly.”

*DIC Comment: Proposed O.A.C. §4781-9-03(D) states as follows:*

*No continuing education course will be approved if an instructor of a proposed course is a local or state inspector and the instructor’s participation would create a conflict of interest as opined by the Ohio ethics commission advisory opinion 98-005.*

*The referenced rule provision does not ban or prevent industry experts from being instructors of continuing education courses. Instead, it will only impact those industry experts who are local or state inspectors and whose participation would create a conflict of interest – per the standards set forth in the referenced advisory opinion issued by the Ohio Ethics Commission. This rule provision and said advisory opinion are based on an interpretation of Ohio statutes, other advisory opinions of the Ohio Ethics Commission, and an Ohio Attorney General opinion, and the DIC cannot adopt or promulgate a rule that conflicts with the ethics laws passed by the Ohio General Assembly.*

#### Chapter 4781-12: Manufactured Home Parks

##### 4781-12 (Generally)

- Kevin Stetka, resident of Robin Mobile Home Park in Mantua, Ohio, requested that manufactured home park operators be required to give residents adequate prior written notice to residents of any work/services being done/rendered on and in the park – particularly if that work/service will affect residents. The notice should inform residents of who is performing the work, when the work will be performed, what the work will consist of, and how the work will impact residents (e.g., inconveniences, noises, smells, chemicals, delays, impediments, physical hazards, increased traffic, etc.). Stetka believes notice just “days before” the work begins is insufficient and wants residents to be given time and the ability to prepare and make arrangements if any work will impact them. Stetka also requests that the rules require park operators to give residents an MSDS (material safety data sheet) whenever any materials used in the park may be hazardous to or have any potential health consequences for residents. In the specific instance, Stetka alleges that

residents of his park were given very little notice of sealcoating work on the park's roadway, which resulted in health problems for residents (e.g., resident with lung cancer and resident with COPD) and inconveniences that could have been avoided with sufficient notice.

*DIC Comment: The DIC has authority to adopt rules regarding manufactured home park operators and residents, but the rules are focused on issues specific to manufactured home parks and not all residential tenancies in Ohio. Instead, Chapter 5321 of the Revised Code governs the rights and obligations of residential landlords and tenants generally in Ohio. The rule changes suggested by the commenter do not appear to be specific to manufactured home parks and thus are more appropriately an issue to be decided by the Ohio General Assembly.*

#### 4781-12-04.1(A) – Manufactured home park inspection.

- Summit County Public Health (“SCPH”) requested that the rules clarify when inspections and investigations of manufactured home parks can occur. The rule states that they may take place during “reasonable times,” and SCPH would like a more specific definition of what that phrase actually means.

*DIC Comment: The DIC will issue guidance to all certified inspectors regarding the standards used in inspections.*

#### 4781-12-07.1– Flood plain management development permits.

- The Ohio Manufactured Homes Association (OMHA) requested that the rules clarify the “exclusivity” that the DIC has regarding flood plain reviews, permits, and inspections within manufactured home parks. The OMHA alleges that since the Department of Commerce began oversight of the Manufactured Homes Program from the Ohio Manufactured Homes Commission (OMHC), “some localities are requiring duplicative inspections with different requirements and additional fees for home installations and foundations” within manufactured home parks, resulting in thousands of dollars in additional costs for homeowners in manufactured home parks, which the OMHA does not believe the localities have authority to charge. The OMHA takes the position that the DIC has sole and exclusive jurisdiction regarding any flood plain management in manufactured home parks and requests the rules make clear that no localities may regulate, review, permit, or inspect flood plain development in manufactured home parks in Ohio.

*DIC Comment: R.C. 4781.26 makes clear that the DIC has exclusive authority in the State of Ohio to adopt rules and regulate flood plain management within manufactured home parks. Local authorities are not permitted to regulate or require their own inspections, permits, and/or fees regarding flood plain management in manufactured home parks, and any such attempts to do so are preempted by Chapter 4718 of the Revised Code. The DIC shall issue public guidance regarding its exclusive authority on this issue and will address any instances or localities where there are questions.*

#### 4781-12-10 – Lighting.

- Summit County Public Health (“SCPH”) questioned the 3/10ths foot candle standard in this rule. The rule states: “All manufactured home park streets shall be lighted at night by not less than three-tenths foot candle or artificial light.” SCPH wanted to be sure that the rule was intended to state a 3/10ths foot candle standard and asked, “Will the moon light reach this?”

*DIC Comment: The 3/10ths foot candle requirement far exceeds the illuminance levels provided by a full moon's moonlight and is within the range of average street lighting requirements for manufactured home parks of other jurisdictions. For example, Indiana requires mobile home communities to be lit by at least 3/10ths foot candle for its streets and walkways. California requires all roadways in a mobile home park to be lit by an average of 2/10ths foot candle. Nevada requires all streets in a mobile home park to be lit by at least 1/10<sup>th</sup> foot candle.*

4781-12-11(A) – Water systems.

- The Ohio Manufactured Homes Association (OMHA) requested that the following sentence be added to the end of rule 4781-12-11(A) of the Administrative Code: “Ohio environmental protection agency maintains responsibility to ensure all testing and periodic monitoring of water systems within parks as currently required under Ohio law.”

*DIC Comment: The DIC does not have the authority to draft a rule or rule provision that may be interpreted as declaring or directing what another agency's responsibilities are.*

4781-12-11(B)(1)(a) – Water systems.

- The Ohio Manufactured Homes Association (OMHA) requested that rule 4781-12-11(B)(1)(a) of the Administrative Code be modified to state: “From a public water supply if the manufactured home park has more than fifteen lots or the water supply serves more than twenty-five people. The water system shall be approved by the Ohio Environmental Protection Agency and periodically inspected by the Ohio Environmental Protection Agency.” The proposed addition by the OMHA is underlined.

*DIC Comment: The DIC does not have the authority to draft a rule or rule provision that may be interpreted as declaring or directing what another agency's responsibilities are.*

4781-12-14 and 4781-12-15 – Park service building and Number of plumbing fixtures.

- Summit County Public Health (“SCPH”) commented that rules 4781-12-14 and 4781-12-15 of the Administrative Code should be combined into one rule.

*DIC Comment: Due to non-substantive numbering concerns within the rules, rules 4781-12-14 and 4781-12-15 of the Administrative Code will remain separate.*

4781-12-16(E) – Sewage.

- The Ohio Manufactured Homes Association (OMHA) requested that the following sentence be added to the end of rule 4781-12-16(E) of the Administrative Code: “All sanitary sewerage systems in parks shall be approved, periodically tested, and monitored by the Ohio environmental protection agency as required under Ohio law to ensure safe sanitary sewerage systems.”

*DIC Comment: The DIC does not have the authority to draft a rule or rule provision that may be interpreted as declaring or directing what another agency's responsibilities are.*

4781-12-20 – Fire protection.

- The Ohio Manufactured Homes Association (OMHA) requested that the following sentence be added to the end of rule 4781-12-20 of the Administrative Code: “Local fire officials under this rule and 4781-12-05.1(B)(3) of the Administrative Code maintain jurisdictional responsibility to properly monitor ongoing compliance with the fire protection activities, proper firefighting equipment, and park fire codes, rules, and regulations under the local fire protection's authority.”

*DIC Comment: The DIC does not have the authority to draft a rule or rule provision that may be interpreted as declaring or directing what another government's responsibilities are.*

#### 4781-12-22(A) – Maintenance.

- Summit County Public Health (“SCPH”) requested clarification as to what “satisfactory” condition means in this rule, which requires park operators to maintain the park and its facilities in a “condition satisfactory to the division.”

*DIC Comment: The DIC will issue guidance to all certified inspectors regarding the standards used in inspections.*

#### 4781-12-24 – On duty.

- Summit County Public Health (“SCPH”) requested clarification as to what “regular business hours” means in this rule, which requires the park operator to be available to residents and the DIC to respond to non-emergency park matters during “regular business hours.”

*DIC Comment: The DIC will issue guidance to all certified inspectors regarding the standards used in inspections.*

#### 4781-12-30 – Resident’s duties.

- The Ohio Manufactured Homes Association (OMHA) requested that the following provisions be added to this rule:
  - “The owner of the manufactured home is responsible for: (1) the maintenance and repair of all underground utility lines from the home up to the curb connection within the manufactured home park; and (2) the maintenance and repair of the base support system of the home.”

*DIC Comment: As the determination of responsibility for maintenance and repair issues between homeowners and parks may depend on the facts of any given situation, the DIC believes the parties themselves are best suited to make such determinations by contract or pursuant to other relevant legal frameworks (e.g., landlord/tenant laws, torts, etc.).*



# Memo

To: Ohio Department of Commerce-Manufactured Homes Division

From: Ohio Manufactured Homes Association - Tim Williams-Executive Director, Andrea Reichman-Assistant Director, Elizabeth Birch-General Counsel

Date: September 14, 2018

Re: Ohio Department of Commerce Manufactured Homes – Draft Rules for Chapter 4781

---

Herein are the comments (in red) offered into the record for Chapter 4781 draft rules regarding the regulation of Manufactured Homes in the State of Ohio.

---

## Chapter 6

---

4781-6-01 – Installation of Manufactured Homes (MH)

6-02 Installation Standards for Used MH

- (2(a) NFPA225 --deleted 2005- is that significant? The 2005 version did not include the requirements of HUD 3285. NFPA 225 has been rewritten and the most current version is 2013 edition. We recommend that the rule include “2013 edition or later”. If this is not included it would allow any edition of NFPA 225 to be used.

6-03.9

(A) 2a – Issue permits for base supports/ footings “regardless of home being installed concurrently” Is this for park owners who want to pour concrete early in the construction season – without the home being placed immediately? If the footing to be installed is a commonly used footing (such as pads) and the installer is installing for example several of the same footings for lots in the same park, does each footing require plan review?

6-03.11 – Alternative Installation Design Approval? Does this include installation designs that the Manufactured Homes (MH) Commission utilized as an engineer approved alternative design to the manufacturer’s installation manual when appropriate site conditions allowed such? The former MH Commission utilized alternative certified professionally engineered “frost free” foundations that resulted from an extensive engineer field study over several years that demonstrated if the home was enclosed with non-ventilated skirting the temperature under the base support system, did not reach freezing temperatures, regardless of the ambient temperature below 32 degrees. The Department of Commerce (DOC) has a copy of the study and none of the alternative engineer approved base support systems installed under the MH Commission following the engineer study protocols failed during the 13-year tenure of the MH Commission to the best of our knowledge. The engineered Alternative foundations encompassed in the Engineer Study should be included in the Rules.

### 7-02 Certified Home Inspectors

- (A) states inspectors not employed by division must be certified – Are DOC employees who will conduct inspections exempt? If so, how are Commerce employees trained in manufactured homes specialized techniques, given the fact they have no previous manufactured homes experience? Under the former MH Commission all inspectors including Commission inspectors (who had previous manufactured homes experience) were required to receive certification through Continuing Education courses (CE) with 8 specific hours of manufactured homes education for their 12-hour CE requirement. Commerce inspectors should be required to obtain the same 12 hour continuing education/certification, including a minimum of 8 hours specific to manufactured homes.

### 7-03 Inspection Requirements

- (B) Removal of “authority having jurisdiction” to division – Does this give DOC inspectors First Right of Refusal to conduct inspections and only allows for the option of Third Party inspectors (TPA) after DOC decides not to conduct the inspection?
- (B-2) Do you have to give DOC 3 days to complete inspection then contact a TPA? This should be clarified that an installer can contact either certified DOC, TPA or building department inspectors so as to not create any delay in inspections beyond three days.
- (C-1-a) Add footing inspection regardless if home will be concurrently installed – Does this cover pre-inspection for winter concrete or new development of lots? Is this an additional inspection by DOC, can a TPA be used? Additional footing fee?
- (D) Electrical Inspections – ESI must inspect, leave copy of check list to be corrected, prior to expirations of permit. Does this differ from current practice inherited from the Commission?

### 7-09 Application for permits and plan review, inspection seals

- (J) installation documents -documents prepared by DAPIA -The Rule should indicate the manufacturers installation manual is an acceptable document as outlined in the preemptive federal law? HUD 3285.2(c)(1)(ii) requires that design alternatives to the manufacturer’s installation manual must be prepared by a Professional Engineer and must be approved by both the manufacturer and its DAPIA. The Rule should mirror the federal HUD law.

### 8-05 Installation, Foundations, Base Support by non-licensed persons

- (A) (B) combined and clarity
  - Licensed Installer must be present 100%-time (not 80%)-Federal HUD Regulation 3286 has no such requirement, except that HUD 3286.407 indicates the installer will be responsible for the work performed by each person engaged to perform installation tasks on the manufactured home. Our recommendation is to remove

the percentage of supervision aspect and word the Rule consistent with the preemptive federal law HUD 3286.407.

8-05.1 Installation by homeowner – Does the homeowner need permits and inspections? Most states do not allow the homeowner to install the home. Our recommendation would be to not allow the homeowner to set their own home unless he/she is a certified installer. This is a safety issue as the average homeowner does not have the skills or tools to perform installations safely and correctly.

---

## Chapter 9

---

### 9-01 – CE General Provisions (was CE fees)

- D3 – What is a “conflict of interest” for a training agency?

### 9-03 CE course approval

- (D) No instructors to have conflict of interest. Industry experts who understandably practice in the MH industry have precisely the specialized expertise needed to train inspectors and installers properly? Therefore, industry experts should be permitted to offer CE courses or modules.

---

## Chapter 11

---

11-20 Foreign Business License – Out of state dealers should have to comply with the same Ohio manufactured homes licensing standards as Ohio based MH businesses in order to keep a level playing field and ensure compliance with all Ohio laws.

### 11-22 Signage

- NEW - Why not put in 11-16 and 11-17 with business requirements?
- Can out of state businesses register their business name with the Ohio Secretary of State?
- 6-inch lettering – will current signage be grandfathered, or will retailers/parks need new signs to comply?

---

## Chapter 12

---

### 12-07 Flood plain management

- Took out 100-year flood plain – “any flood event” must meet the new requirements? Are Boards of Health inspecting them now? Do health districts want this additional work load?

Per Ohio Revised Code 4781.26 (A), the Commerce Department has sole and exclusive jurisdiction involving floodplain plan reviews, permits and inspections within manufactured home parks. ORC 4781.14 (C) further indicates any locality within the state is pre-empted regarding manufactured home installations, foundations and inspections. ORC 4781.14 (C) also indicates localities may not establish any other standards for installation, foundations and support systems. These sections of the Revised Code were specifically designed to provide uniform application and consistency throughout the state while following the National Flood Insurance Act of 1968.

Since the takeover of manufactured homes regulation from the MH Commission some localities are requiring duplicative inspections with different requirements and additional fees for home installations and foundations within Manufactured Home parks even though they have no jurisdiction under Ohio law. These excessive regulations beyond the federal standard for flood plain management (which is recognized also as the state standard under Ohio law) within manufactured home parks adds as much as \$2,000 to \$3,000 in costs for a home in a manufactured home park. This unnecessarily can add another 5-10% to the purchase price per home for low and moderate-income homeowners, pricing many out of the market.

The Ohio Department of Health (ODH) prior to 2010 and the Ohio Manufactured Homes Commission (OMHC) from 2010-January 21, 2018 had the same exclusive jurisdiction over flood plain management within manufactured home parks. The identical legislative language that governed the exclusivity of ODH and then OMHC flood plain management prior to the Commerce Department takeover of manufactured home park regulation in January of 2018 was enshrined in HB 49 and therefore no changes in allowing additional flood plain inspections, requirements, fees and additional homeowner costs should be taking place now. **Therefore, the exclusivity needs clarified in this section of the proposed Administrative Review.**

**12-11 Water Systems – (A) OMHA Suggests additional language to the rule- “Ohio EPA maintains responsibility to ensure all testing and periodic monitoring of water systems within parks as currently required under Ohio law.”**

**(B) 1a – OMHA Suggests additional language “and periodically inspected by EPA”**

**12-16 Sewage –**

**(E) OMHA suggests adding to the Rule- “All Parks sanitary sewerage systems shall be approved, periodically tested and monitored by the Ohio Environmental Protection Agency as required under Ohio law to ensure safe sanitary sewerage systems”.**

**12-20 Fire Protection –**

**OMHA Suggests language to clarify the Rule– “Local Fire officials under this Rule and OAC Rule 4781-12.05.1 (B) (3) maintain jurisdictional responsibility to properly monitor ongoing compliance with the fire protections activities, proper firefighting equipment and park fire codes, rules, and regulations under the local fire protection’s authority.”**



12-30 Resident Duties -

**OMHA Suggested Additions -**

- The owner of the manufactured home is responsible for the maintenance and repair of all underground utility lines from the home up to the curb connection within the manufactured home park.
- The owner of the manufactured home is responsible for the repair and maintenance of the base support system.



964 E. State Street  
Athens, Ohio 45701  
740-594-3558  
1-800-686-3669  
740-594-3791, Fax

athens@seols.org  
<http://www.ohiolegalservices.org>  
<http://www.seols.org>

September 17, 2018

***Via Email to [mhprogram@com.state.oh.us](mailto:mhprogram@com.state.oh.us)***

Manufactured Homes Program  
Ohio Department of Commerce

***Re: Request for Public Input regarding proposed changes to MHP Rules;  
Rescinding the Requirement that Contracts be Written***

To the Manufactured Homes Program:

Southeastern Ohio Legal Services (SEOLS) is a non-profit legal services program whose mission is to act as general counsel to a client community residing throughout thirty rural counties in southeast Ohio and, as such, provide the highest quality of legal services to its clients toward the objective of enabling poor people to assert their rights and interests. On behalf of our low-income clients who are manufactured/mobile home residents and owners, we submit these comments on a major proposed rule change that, if enacted, would disadvantage manufactured/ mobile home owners.

The Manufactured Homes Program wishes to rescind the entire section mandating written contracts in manufactured/mobile home sales. (O.A.C. 4781-11-08) The rule, as it exists now, places *no* burden on the seller and buyer. The parties to the sale need only commit to writing the basic terms of the sale such as the vehicle identification number; sale price of the home; and, if applicable, amount of additional charges for financing and insurance. These straightforward terms should be committed in writing to protect the buyer. The existing requirements do not duplicate the Retail Installment Sales Act (RISA) or other contractual laws. Instead, they are directed to the special issue of manufactured/mobile home contracts.

Our program has had many clients who purchased used mobile homes and did not receive titles from the sellers of their home, even though such conduct is in violation of R.C. 4505.19 (A)(2). The existence of a written contract can, fortunately, save a buyer's claim of legitimate ownership. Proving ownership is especially important in the context of evictions. Not only are mobile home park residents who own their homes afforded special rights in a mobile home park eviction, they also have the ability to move or sell their home if they wish to leave the park. Disposing of the written contract requirement jeopardizes these property rights of manufactured/mobile home owners.

**Executive Director**  
Thomas W. Weeks  
**Director**  
James Daniels  
**Project Managing Attorney**  
Robin A. Bozian



**Athens Office  
Managing Attorney**  
Anne S. Rubin  
**Staff Attorneys**  
Charles A. Cohara  
Peggy P. Lee  
Lucy Schwallie  
Miranda Anandappa

Indeed, according to the Ohio Manufactured Home Association (<https://welcomehomeohio.com/statistics/>), “[t]here are nearly **234,190 manufactured homes in the state of Ohio**, [or] an average of **2,661 manufactured homes per county**.” (Emphasis added.) Given such statistics, a huge population of homebuyers would lose their right to a basic contract evidencing the most important purchase in a family’s life: a home.

Thank you for allowing us the opportunity to provide input. We hope that the Manufactured Homes Program decides to keep the written contract requirement in place.

Sincerely yours,

**Southeastern Ohio Legal Services**

/s/ Peggy P. Lee

Peggy P. Lee  
Attorney at Law

Enclosure(s)



*The*  
**Legal Aid Society**  
*of Cleveland*  
*Since 1905*

**September 17, 2018**

Manufactured Homes Program  
Ohio Department of Commerce

***Re: MHP Rules Public Input; Rescinding the Requirement that Contracts be Written***

***Sent Via Email to [mhprogram@com.state.oh.us](mailto:mhprogram@com.state.oh.us)***

To the Manufactured Homes Program:

I am writing on behalf of The Legal Aid Society of Cleveland in response to your August 27, 2018 invitation to provide feedback regarding the administrative rules related to the Manufactured Homes Program. Our mission is to secure justice and resolve fundamental problems for those who are low income and vulnerable by providing high quality legal services and working for systematic solutions. On behalf of our low-income clients who are manufactured/mobile home residents, we submit these comments on a major proposed rule change that, if enacted, would disadvantage manufactured/ mobile home owners.

The Manufactured Homes Program wishes to rescind the entire section mandating written contracts in manufactured/mobile home sales. (O.A.C. 4781-11-08) The rule, as it exists now, places *no* burden on the seller and buyer. The parties to the sale need only commit to writing the basic terms of the sale such as the vehicle identification number; sale price of the home; and, if applicable, amount of additional charges for financing and insurance. These straightforward terms should be committed in writing to protect the buyer. The existing requirements do not duplicate RISA or other contractual laws. Instead, they are directed to the special issue of manufactured/mobile home contracts.

All too often we hear from manufactured/mobile home owners who did not receive title from the seller of their home. The existence of a written contract can, fortunately, save a buyer's claim of legitimate ownership. Proving ownership is especially important in the context of evictions. Owners are afforded special rights in an eviction and are able to sell or move their home. Disposing of the written contract requirement jeopardizes the property rights of manufactured/mobile home owners.

Jennifer E. Sheehy  
440-210-4521  
216-861-0704  
[jsheehy@lasclev.org](mailto:jsheehy@lasclev.org)

**New Clients Call:**

888.817.3777 (toll-free)  
or  
216.687.1900

**General Business:**

888.808.2800 (toll-free)  
or  
216.861.5500

**Cleveland  
& Administrative Offices**

1223 West Sixth Street  
Cleveland, OH 44113

General Business: 216.861.5500  
Fax: 216.586.3220

**Elyria Office**

1530 West River Road North  
Suite 301  
Elyria, OH 44035

General Business: 440.324.1121  
Fax: 440.324.1179

**Jefferson Office**

121 East Walnut Street  
Jefferson, OH 44047

General Business: 440.576.8120  
Fax: 440.576.3021

**Painesville Office**

8 North State Street  
Suite 300  
Painesville, OH 44077

General Business: 440.352.6200  
Fax: 440.352.0015

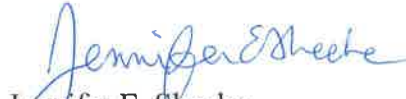
**[www.lasclev.org](http://www.lasclev.org)**

We appreciate this opportunity to provide feedback. It is our sincere hope that the Manufactured Homes Program rules retain the written contract requirement.

Sincerely yours,

A handwritten signature in blue ink, appearing to read 'A. Staudt', with a long horizontal flourish extending to the right.

Abigail C. Staudt  
Managing Attorney  
Housing Group

A handwritten signature in blue ink, appearing to read 'Jennifer E. Sheeche', with a long horizontal flourish extending to the right.

Jennifer E. Sheeche  
Senior Attorney  
Housing Group

**Columbus Office**

1108 City Park Avenue  
Columbus, Ohio 43206  
(614) 224-8374 phone  
(614) 224-4514 fax  
www.columbuslegalaids.org

**Marion Office**

150 Oak Street  
Marion, Ohio 43302  
(740) 383-2161

Thomas W. Weeks, Esq.  
Executive Director

Kathleen C. McGarvey, Esq.  
Director

**Board of Trustees**

Molly S. Crabtree, Esq.  
Porter, Wright, Morris & Arthur LLP  
President

David W. Alexander, Esq.  
Squire Patton Boggs

Thomas J. Bonasera, Esq.  
Dinsmore & Shohl LLP

John Boyer, Esq.  
Nationwide Insurance

Brenda Drake

John P. Gilligan, Esq.  
Ice Miller, LLP

John C. Hartman, Sr., Esq.  
Porter, Wright, Morris & Arthur LLP

Michelle Heritage  
Community Shelter Board

J. Todd Kennard, Esq.  
Jones Day

Tanya L. Long  
Community Representative

Jane Higgins Marx, Esq.  
Carlie, Patchen & Murphy LLP

Philip R. Moots, Esq.  
Newhouse, Proffater, Letcher & Moots, LLC

Shawn J. Organ, Esq.  
Organ Cole LLP

Jaiza N. Page, Esq.  
Eastman & Smith, Ltd.

Deborah D. Pryce, Esq.  
Ice Miller, LLP

Frank A. Ray, Esq.  
Frank A. Ray Co., LPA

Lisa Pierce Reisz, Esq.  
Vorys, Sater, Seymour & Pease LLP

Leah Sellers, Esq.  
Sellers Law, LLC

Anne Marie Sferra, Esq.  
Bricker & Eckler LLP

Marion Smithberger  
Columbus Bar Foundation

Janica A. Pierce Tucker, Esq.  
Taft, Stettinius & Hollister LLP

Debra Willet, Esq.  
Cardinal Health

Sue Wolfe  
United Methodist Church and Community  
for All People

September 17, 2018

*Via Email to [mhprogram@com.state.oh.us](mailto:mhprogram@com.state.oh.us)*

Manufactured Homes Program  
Ohio Department of Commerce

***Re: MHP Rules Public Input; Rescinding the Requirement that Contracts be Written***

To the Manufactured Homes Program:


The Legal Aid Society of Columbus, is a non-profit organization that provides legal aid in civil matters that ensures access to justice for economically disadvantaged people in Central Ohio through advocacy, education, and empowerment. On behalf of our low-income clients who are manufactured/mobile home residents, we submit these comments on a major proposed rule change that, if enacted, would disadvantage manufactured/mobile home owners.

The Manufactured Homes Program wishes to rescind the entire section mandating written contracts in manufactured/mobile home sales. (O.A.C. 4781-11-08) The rule, as it exists now, places *no* burden on the seller and buyer. The parties to the sale need only commit to writing the basic terms of the sale such as the vehicle identification number; sale price of the home; and, if applicable, amount of additional charges for financing and insurance. These straightforward terms should be committed in writing to protect the buyer. The existing requirements do not duplicate RISA or other contractual laws. Instead, they are directed to the special issue of manufactured/mobile home contracts.

All too often we hear from manufactured/mobile home owners who did not receive title from the seller of their home. The existence of a written contract can, fortunately, save a buyer's claim of legitimate ownership. Proving ownership is especially important in the context of evictions. Owners are afforded special rights in an eviction and are able to sell or move their home. Disposing of the written contract requirement jeopardizes the property rights of manufactured/mobile home owners.

We appreciate this opportunity to provide feedback. It is our sincere hope that the Manufactured Homes Program rules retain the written contract requirement.

Sincerely yours,

  
Benjamin Horne  
Attorney at Law

  
Melissa Benson  
Attorney at Law





September 17, 2018

DONALD P. KLEKAMP  
COMMUNITY LAW  
CENTER BUILDING

215 East Ninth Street  
Suite 500  
Cincinnati, Ohio  
45202

Telephone  
(513) 241-9400  
(800) 582-2682

Facsimile  
(513) 241-0047

*Via Email to [mhprogram@com.state.oh.us](mailto:mhprogram@com.state.oh.us)*

Manufactured Homes Program  
Ohio Department of Commerce

***Re: MHP Rules Public Input; Rescinding the Written Contracts Requirement***

To the Manufactured Homes Program:



The Legal Aid Society of Southwest Ohio, LLC is a non-profit organization that resolves serious legal problems of low-income people, promotes economic and family stability, and reduces poverty through effective legal assistance. On behalf of our low-income clients who are manufactured/mobile home residents, we submit these comments on a major proposed rule change that, if enacted, would disadvantage manufactured/mobile home owners.

The Manufactured Homes Program wishes to rescind the entire section mandating written contracts in manufactured/mobile home sales. (O.A.C. 4781-11-08) The rule, as it exists now, places *no* burden on the seller and buyer. The parties to the sale need only commit to writing the basic terms of the sale such as the vehicle identification number; sale price of the home; and, if applicable, amount of additional charges for financing and insurance. These straightforward terms should be committed in writing to protect the buyer. The existing requirements do not duplicate RISA or other contractual laws. Instead, they are directed to the special issue of manufactured/mobile home contracts.

All too often we hear from manufactured/mobile home owners who did not receive title from the seller of their home. The existence of a written contract can, fortunately, save a buyer's claim of legitimate ownership. Proving ownership is especially important in the context of evictions. Owners are afforded special rights in an eviction and are able to sell or move their home. Disposing of the written contract requirement jeopardizes the property rights of manufactured/mobile home owners.

We appreciate this opportunity to provide feedback. It is our sincere hope that the Manufactured Homes Program rules retain the written contract requirement.

Sincerely yours,

   
Nicholas DiNardo      Elizabeth Zak  
Attorney at Law      Attorney at Law

## Ohio Dept. of Commerce, Manufactured Homes Program

### BIA Attachment B

<i>Rule</i>	<i>Scope of the impacted business community</i>	<i>Nature of adverse impact</i>	<i>Quantify the expected adverse impact</i>
4781-1-01 Name.	All licensees and businesses subject to the authority of the now-abolished OMHC, individuals using the dispute resolution program.	This rule only relates to the now-abolished OMHC. No adverse impact is expected.	
4781-1-02 Headquarters.	All licensees and businesses subject to the authority of the now-abolished OMHC, individuals using the dispute resolution program.	This rule only relates to the now-abolished OMHC. No adverse impact is expected.	
4781-1-03 Members.	All licensees and businesses subject to the authority of the now-abolished OMHC, individuals using the dispute resolution program.	This rule only relates to the now-abolished OMHC. No adverse impact is expected.	
4781-2-01 Meetings generally.	All licensees and businesses subject to the authority of the now-abolished OMHC, individuals using the dispute resolution program.	This rule only relates to the now-abolished OMHC. No adverse impact is expected.	
4781-2-02 Scheduled meetings.	All licensees and businesses subject to the authority of the now-abolished OMHC, individuals using the dispute resolution program.	This rule only relates to the now-abolished OMHC. No adverse impact is expected.	
4781-2-03 Meeting sites.	All licensees and businesses subject to the authority of the now-abolished OMHC, individuals using the dispute resolution program.	This rule only relates to the now-abolished OMHC. No adverse impact is expected.	
4781-2-04 Notice of meetings.	All licensees and businesses subject to the	This rule only relates to the now-abolished OMHC. No adverse impact is expected.	



## Ohio Dept. of Commerce, Manufactured Homes Program BIA Attachment B

	authority of the now-abolished OMHC, individuals using the dispute resolution program.	
4781-2-05 Quorum/Voting.	All licensees and businesses subject to the authority of the now-abolished OMHC, individuals using the dispute resolution program.	This rule only relates to the now-abolished OMHC. No adverse impact is expected.
4781-3-01 Officers.	All licensees and businesses subject to the authority of the now-abolished OMHC, individuals using the dispute resolution program.	This rule only relates to the now-abolished OMHC. No adverse impact is expected.
4781-4-01 Administration; Executive Director.	All licensees and businesses subject to the authority of the now-abolished OMHC, individuals using the dispute resolution program.	This rule pertains to agency functions, allowing the Director to delegate duties of the Program to the Superintendents. No adverse impact is expected.
4781-5-01 Public hearings.	All licensees and businesses subject to the authority of the now-abolished OMHC, individuals using the dispute resolution program.	This rule only relates to the now-abolished OMHC. No adverse impact is expected.
4781-6-01 Installation of new manufactured homes.	Manufactured home installers, manufactured home park operators, manufactured home manufacturers, and manufactured home inspectors.	No adverse impact is expected.
4781-6-02 Installation standards for used manufactured homes.	Manufactured home installers, manufactured home park operators, manufactured home manufacturers, and manufactured home inspectors.	While proposed rule 4781-6-02(A)(2)(b) may appear to add additional burdens on installers who deviate from the manufacturer's installation instructions, the requirements added to the rule (i.e., approval by the manufacturer and DAPIA and conformity to the MHCSS) were already required under other rules and rule sections. The only actual change caused by the proposed rule amendment is that it requires an installer

**Ohio Dept. of Commerce, Manufactured Homes Program  
BIA Attachment B**

		to first try and obtain DAPIA-approved designs and instructions from the manufacturer before having a certified professional engineer or registered architect prepare designs and instructions. The previous version of the rule allowed an installer to have a certified professional engineer or registered architect prepare designs and instructions before trying to obtain DAPIA-approved designs and instructions from the manufacturer. This change in order of what an installer must do to deviate from installation instructions or the rule is not expected to result in an adverse impact.
4781-6-03 Reference publications and definitions for installation of new and used manufactured homes.	Manufactured home installers, manufactured home park operators, manufactured home manufacturers, and manufactured home inspectors.	Individuals will have to obtain the updated/new standards incorporated into the proposed rules. These updated standards are accessible online for free, and there should be no cost or expense required by a party to obtain the material. No adverse impact is expected.
4781-6-03.1 Pre-installation considerations.	Manufactured home installers, manufactured home park operators, manufactured home manufacturers, and manufactured home inspectors.	No adverse impact is expected.
4781-6-03.2 Site preparation.	Manufactured home installers, manufactured home park operators, manufactured home manufacturers, and manufactured home inspectors.	No adverse impact is expected.
4781-6-03.3 Foundations.	Manufactured home installers, manufactured home park operators, manufactured home manufacturers, and manufactured home inspectors.	No adverse impact is expected.
4781-6-03.4 Anchorage against wind.	Manufactured home installers, manufactured home park operators, manufactured home manufacturers, and	No adverse impact is expected.

**Ohio Dept. of Commerce, Manufactured Homes Program  
BIA Attachment B**

	manufactured home inspectors.	
4781-6-03.5 Optional features.	Manufactured home installers, manufactured home park operators, manufactured home manufacturers, and manufactured home inspectors.	No adverse impact is expected.
4781-6-03.6 Ductwork and plumbing and fuel supply systems.	Manufactured home installers, manufactured home park operators, manufactured home manufacturers, and manufactured home inspectors.	No adverse impact is expected.
4781-6-03.7 Electrical systems and equipment.	Manufactured home installers, manufactured home park operators, manufactured home manufacturers, and manufactured home inspectors.	No adverse impact is expected.
4781-6-03.8 Exterior and interior close-up.	Manufactured home installers, manufactured home park operators, manufactured home manufacturers, and manufactured home inspectors.	No adverse impact is expected.
4781-6-03.9 Information for installers.	Manufactured home installers, manufactured home park operators, manufactured home manufacturers, and manufactured home inspectors.	No adverse impact is expected.
4781-6-03.10 Stable foundation – commission approved alternative park installations.	Manufactured home installers, manufactured home park operators, manufactured home manufacturers, and	No adverse impact is expected.

## Ohio Dept. of Commerce, Manufactured Homes Program BIA Attachment B

	manufactured home inspectors.	
4781-6-03.11 Commission approved alternative installation designs for used manufactured homes.	Manufactured home installers, manufactured home park operators, manufactured home manufacturers, and manufactured home inspectors.	No adverse impact is expected.
4781-7-01 Inspections.	Certified inspectors of manufactured home installations, third-party inspection agencies, local health districts and building departments, and installers of manufactured homes.	The changes prohibit inspection agencies from charging fees for beyond what is outlined in rule unless preapproval is obtained from the division. Certified third party inspection agencies that charge beyond the fees set forth in the rule may experience an impact, but only if the DIC does not approve the different fees. The estimated amount of impact cannot be quantified due to each inspection agency charging different amounts and the uncertainty as to whether the inspection agencies will get preapproval to charge the same amounts as they do under the current rules.
4781-7-02 Certified manufactured home inspectors and/or plans reviewers.	Certified inspectors of manufactured home installations, third-party inspection agencies, local health districts and building departments, and installers of manufactured homes.	The changes reduce or eliminate the time period a certification can be renewed after its expiration. No adverse impact is expected to result from either change because the application fee for inspector certification and the fee for renewal of a certification are the same – so, there is no higher fee that would result for an inspector that has to re-apply and not renew its certification. Additionally, the revised rules eliminate late fees, which will only decrease the fees for certification overall.
4781-7-03 Inspection requirements.	Certified inspectors of manufactured home installations, third-party inspection agencies, local health districts and building departments, and installers of manufactured homes.	The proposed changes eliminate a fee for an investigation and re-inspection if a permit holder failed to request a final inspection, so, no adverse impact is expected.
4781-7-04 Building departments and health departments; requirements for certification to perform	Certified inspectors of manufactured home installations, third-party inspection agencies, local health districts and building	The changes reduce or eliminate the time period a certification can be renewed after its expiration. Since the fee for building departments to renew their certification is the same as the fee for applying for certification, a building department will not experience any increase in fees due to this change. If they fail to renew, time will have to be expended to fill out a new

## Ohio Dept. of Commerce, Manufactured Homes Program

### BIA Attachment B

inspections of manufactured homes.	departments, and installers of manufactured homes.	certification application. However, less time would be expended on the application since a requirement was removed for the inclusion of an operating budget, population data, and a map of the jurisdictional area.
4781-7-05 Certified third-party plans review agencies and certified third-party inspection agencies.	Certified inspectors of manufactured home installations, third-party inspection agencies, local health districts and building departments, and installers of manufactured homes.	The changes reduce or eliminate the time period a certification can be renewed after its expiration. No adverse impact is expected to result from either change because the application fee for third-party agency certification and the fee for renewal of a certification are the same – so, there is no higher fee that would result for a third-party inspection agency that has to re-apply and not renew its certification. Additionally, the revised rules eliminate late fees, which will only decrease the fees for certification overall.
4781-7-06 Code of ethics for certified inspectors and/or certified plans reviewers.	Certified inspectors of manufactured home installations, third-party inspection agencies, local health districts and building departments, and installers of manufactured homes.	No adverse impact is expected.
4781-7-07 Commission appeals.	Certified inspectors of manufactured home installations, third-party inspection agencies, local health districts and building departments, and installers of manufactured homes.	No adverse impact is expected.
4781-7-08 Duties and powers of the inspector.	Certified inspectors of manufactured home installations, third-party inspection agencies, local health districts and building departments, and installers of manufactured homes.	The changes would not allow fees to be charged beyond what is set forth in rule, unless prior approval is given by the division. The estimated amount of impact cannot be quantified due to each inspection agency charging different amounts and the uncertainty as to whether the inspection agencies will get preapproval to charge the same amounts as they do under the current rules. Also, the changes may increase the records retention period for authorities having jurisdiction if those periods are less than the Division of Industrial Compliance's period.
4781-7-09 Permits and plans review for manufactured homes.	Certified inspectors of manufactured home installations, third-party inspection agencies, local health districts and building	The changes would not allow fees to be charged beyond what is set forth in rule, unless prior approval is given by the division. The estimated amount of impact cannot be quantified due to each inspection agency charging different amounts and the uncertainty

## Ohio Dept. of Commerce, Manufactured Homes Program

### BIA Attachment B

	departments, and installers of manufactured homes.	as to whether the inspection agencies will get preapproval to charge the same amounts as they do under the current rules. Also, the changes may increase the records retention period for authorities having jurisdiction if those periods are less than the Division of Industrial Compliance's period.
4781-7-10 Commission plans reviews and installation inspections.	Certified inspectors of manufactured home installations, third-party inspection agencies, local health districts and building departments, and installers of manufactured homes.	The impact would be reduced, eliminated, or the same fees, with no increased fees. No adverse impact is expected.
4781-8-01 Installer licenses; application; identification cards and certificates.	Licensed manufactured housing installers, certified manufactured housing inspectors, and applicants of these two groups. Examination developers/providers and licensing training agencies are also impacted.	Impacts resulting from these changes include increasing the time period applicants may apply for a license after completing an installation training course, reduction of fees, and lessened reporting requirements. No adverse impact is expected.
4781-8-02 Non-resident installers.	Licensed manufactured housing installers, certified manufactured housing inspectors, and applicants of these two groups. Examination developers/providers and licensing training agencies are also impacted.	No adverse impact is expected.
4781-8-03 Denial, revocation, suspension of licenses.	Licensed manufactured housing installers, certified manufactured housing inspectors, and applicants of these two groups. Examination developers/providers and licensing training agencies are also impacted.	No adverse impact is expected.
4781-8-04 License renewal.	Licensed manufactured housing installers, certified manufactured housing inspectors, and applicants	No adverse impact is expected.

**Ohio Dept. of Commerce, Manufactured Homes Program  
BIA Attachment B**

	of these two groups. Examination developers/providers and licensing training agencies are also impacted.	
4781-8-05 Supervision of non-licensed persons.	Licensed manufactured housing installers, certified manufactured housing inspectors, and applicants of these two groups. Examination developers/providers and licensing training agencies are also impacted.	No adverse impact is expected.
4781-8-05.1 Installation performed by a homeowner.	Licensed manufactured housing installers, certified manufactured housing inspectors, and applicants of these two groups. Examination developers/providers and licensing training agencies are also impacted.	The rule change would require additional time and effort for unlicensed person installing a manufactured home by required a licensed installer to supervise the work.
4781-8-06 Education for applicants.	Licensed manufactured housing installers, certified manufactured housing inspectors, and applicants of these two groups. Examination developers/providers and licensing training agencies are also impacted.	The impact would be reduced efforts for training agencies and potentially manufactured home installer applicants. Training agencies would have fewer staffing requirements, less reporting requirements, reduced fees, and reduced classroom sizes. However, the training agency may have an increased records retention period.  The changes would increase the time period applicants may apply for a license after completing an installation training course.
4781-8-07 Examination for installers or inspectors.	Licensed manufactured housing installers, certified manufactured housing inspectors, and applicants of these two groups. Examination developers/providers and licensing training agencies are also impacted.	The changes would increase the time period applicants may apply for a license after completing a training course. No adverse impact is expected.

## Ohio Dept. of Commerce, Manufactured Homes Program

### BIA Attachment B

4781-8-08 Complaints against licensees.	Licensed manufactured housing installers, certified manufactured housing inspectors, and applicants of these two groups. Examination developers/providers and licensing training agencies are also impacted.	The impact is more flexibility in how a complaint against a licensee is filed with the Division of Industrial Compliance. No adverse impact is expected.
4781-8-09 Examination development and sponsor.	Licensed manufactured housing installers, certified manufactured housing inspectors, and applicants of these two groups. Examination developers/providers and licensing training agencies are also impacted.	The rule changes bring the rule into the purview of the Division of Industrial Compliance and adds grammatical changes. No adverse impact is expected.
4781-8-10 Code of ethics for licensed manufactured home installers.	Licensed manufactured housing installers, certified manufactured housing inspectors, and applicants of these two groups. Examination developers/providers and licensing training agencies are also impacted.	The changes would prohibit an installer from paying, soliciting, or offering a bribe to influence inspection results in any manner. No adverse impact is expected.
4781-8-11 Adjudication hearings.	Licensed manufactured housing installers, certified manufactured housing inspectors, and applicants of these two groups. Examination developers/providers and licensing training agencies are also impacted.	The rules were modified to incorporate adjudication hearing provisions found in Chapter 119 of the Revised Code. No adverse impact is expected.
4781-9-01 Continuing education general provisions; fees for continuing education.	Licensed manufactured home installers, certified inspectors, training agencies, and instructors of continuing education courses.	The changes reduce class enrollment and facility requirements. The changes also separated the training agency approval process from the course approval process, along with the fees, resulting in overall reduced fees. No adverse impact is expected.



## Ohio Dept. of Commerce, Manufactured Homes Program BIA Attachment B

4781-9-02 Continuing education sponsors.	Licensed manufactured home installers, certified inspectors, training agencies, and instructors of continuing education courses.	The changes reduced the time period for records to be retained. No adverse impact is expected.
4781-9-03 Continuing education general provisions; fees for continuing education.	Licensed manufactured home installers, certified inspectors, training agencies, and instructors of continuing education courses.	The changes overall reduce the requirements a training agency must meet to comply. No adverse impact is expected.
4781-9-04 Instructor requirements.	Licensed manufactured home installers, certified inspectors, training agencies, and instructors of continuing education courses.	This changes for this rule only relate to the now-abolished OMHC. No adverse impact is expected.
4781-9-05 Distance learning.	Licensed manufactured home installers, certified inspectors, training agencies, and instructors of continuing education courses.	The proposed changes generally reduce all continuing education fees or keep them the same. No adverse impact is expected.
4781-9-06 Non-resident licensees and continuing education credit.	Licensed manufactured home installers, certified inspectors, training agencies, and instructors of continuing education courses.	The impact of this rule includes the elimination of a fee. No adverse impact is expected.
4781-10-01 Dispute resolution.	Owners of a manufactured home, licensed installers, retailers, or manufacturers.	The rule changes bring the rule into the purview of the Division of Industrial Compliance and adds grammatical changes. No adverse impact is expected.
4781-11-01 General provisions and requirements for manufactured housing dealer, manufactured housing broker, and manufactured housing salesperson licensure.	Applicants for manufactured housing dealer, broker, and salesperson's licenses.	Impacts resulting from these changes include reducing and restructuring fees, permitting electronic signatures, requiring Secretary of State business registration documentation and reducing the time to retain incorrect applications. It also requires a physical address for applicants. The broker and dealer replacement license fee was reduced from \$25 to \$10. The \$25 broker and dealer certified copy fee was eliminated. The broker and dealer business change fee was reduced from \$25 to \$10. The original salesperson licensing fee was

## Ohio Dept. of Commerce, Manufactured Homes Program

### BIA Attachment B

		reduced from \$150 to \$125. The salesperson replacement license fee was reduced from \$25 to \$10. The salesperson renewal fee was reduced from \$150 to \$125. The late salesperson renewal fee was reduced from \$75 to \$62.50. Finally, a \$3.50 service fee was added to all transactions. This minimally increases the time for applicants to complete applications but reduces the costs to applicants and potentially reduces application processing time by the Division.
4781-11-01.1 Code of ethics for manufactured home dealers, brokers, and salespersons.	Licensed manufactured housing dealers, brokers, and salespersons.	The changes clarify the existing rule that the requirement to respond to complaints includes fulfilling requests for information from the Division. No adverse impact is expected.
4781-11-02 Denial of licensure.	Applicants for manufactured housing dealer, broker, and salesperson's licenses.	The changes bring the application denial process into the purview of the Superintendent of the Division of Real Estate and provide a hearing process for denied applications. No adverse impact is expected.
4781-11-03 License issuance.	New licensees.	The changes eliminate the requirement of post office boxes by requiring the Division to mail licenses to the mailing address provided by the applicant. No adverse impact is expected.
4781-11-04 Replacement license.	Licensed manufactured housing dealers, brokers, and salespersons.	The rules were restructured to incorporate the O.A.C. provision setting the fee for replacement licenses rather than rewriting the fee therein. This decreases the potential for conflicting rules. No adverse impact is expected.
4781-11-05 License renewal.	Licensed manufactured housing dealers, brokers, and salespersons.	The rule changes provide increased procedure to the Division, clarification of existing law, including deadline for license renewal, and an appeal process for denied renewal applications. No adverse impact is expected.
4781-11-06 Display of license.	Licensed manufactured housing dealers, brokers, and salespersons.	The rule changes bring the rule into the purview of the Division of Real Estate and adds grammatical changes. No adverse impact is expected.
4781-11-07 Notification of change of information.	Licensed manufactured housing dealers, and brokers.	The rule requires dealers and brokers to report changes in name, business structure and termination or dissolution of the business to protect the public. The amount of time spent accomplishing this task is expected to be minimal.
4781-11-08 Written contract requirements.	Licensed manufactured housing dealers, brokers,	It is proposed that the rule be rescinded as it is redundant. The language in the current rule may be

## Ohio Dept. of Commerce, Manufactured Homes Program

### BIA Attachment B

	salespersons, and potential buyers of manufactured or mobile homes.	found verbatim in statute, with the exception of subsection (A)(8) for which the Division will seek a statutory amendment, specifically in Section 4781.24 of the Ohio Revised Code. No adverse impact is expected.
4781-11-09 Manufactured housing dealer net worth and bond requirement.	Manufactured housing dealer.	The proposed change is grammatical to bring the statute into the purview of the Division and clarify existing language. No adverse impact is expected.
4781-11-10 Manufactured housing broker bond requirements.		NO CHANGES
4781-11-11 Manufactured housing broker special or trust bank account.	Manufactured housing broker.	The proposed change requires some brokers to expend time changing the account name of their special or trust bank account to add the words “escrow,” “special,” or “trust” if they are not already included. This requirement already exists for real estate brokers in O.R.C. 4735. The changes further clarify for what purpose a broker may maintain the broker’s own funds in that account. No cost is anticipated. A broker can be charged with a licensing law violation and sanctioned for failing to comply with this rule.
4781-11-12 Salesperson license suspension, reinstatement, and transfer.	Manufactured housing salesperson.	The proposed change is grammatical to improve existing language and bring the statute into the purview of the Division. No adverse impact is expected.
4781-11-13 Investigation initiation.	Licensed manufactured housing dealers, brokers, and salespersons.	It is proposed that the rule be rescinded as it is redundant. This procedure is established in 4781.21 of the Ohio Revised Code and this rule, in part, is proposed to be merged into 4781-11-14 of the Ohio Administrative Code.
4781-11-14 Complaint procedure.	Licensed manufactured housing dealers, brokers, salespersons, and unlicensed person acting as manufactured housing dealers, brokers, or salespersons.	Unlicensed individuals acting like dealers, brokers, or salespersons may be investigated and may have a civil penalty ordered against them. The estimated time that the unlicensed individual would participate in investigations varies from case to case depending on the level of participation. Licensed individuals violating the requirements of Chapter 4781 of the Revised Code can now be issued an advisory letter in lieu of disciplinary action.

## Ohio Dept. of Commerce, Manufactured Homes Program

### BIA Attachment B

4781-11-15 Adjudication process.	Licensed manufactured housing dealers, brokers, and salespersons.	The proposed changes streamline the rule by noting that the adjudication process must follow Chapter 119 of the Ohio Revised Code and deletes duplicative sections that can be found in Chapter 119 to eliminate confusion and potential conflicts. No adverse impact is anticipated. The proposed changes also permit the record of the adjudication hearing to be by audio or video teleconferencing but still permits the taking of a stenographic record upon the request of the parties. This potentially reduces costs to the Division and improves timeliness of hearings. No adverse impact is anticipated. Finally, a licensee may have their disciplinary action published.
4781-11-16 Manufactured housing broker business establishment.	Manufactured housing broker.	The changes replace outdated telephonic technology requirements and provide reasonable options to brokers. The broker will have to post the telephone number in a conspicuous place in public view. The anticipated cost to post the number is minimal, as most businesses already post contact information. The elimination of the landline requirement may be financially beneficial to the broker. Brokers will be required to notify the superintendent within fifteen days of a change of business location, mailing address and/or telephone number. The estimated time is minimal. Language concerning signs was changed to correlate to other rule provisions. Brokers may be required to obtain a new sign or change the location of an existing sign to ensure visibility. The cost and expended time will vary. Brokers may be required to expend time providing proof of zoning compliance to the Division. The proposed changes permit disciplinary action for failure to comply with the rules for the physical conditions of the property.
4781-11-17 Manufactured housing dealer business establishment.	Manufactured home dealers.	The changes replace outdated telephonic technology, office physical size, and furnishing requirements and provide reasonable options to dealers based the dealership's business needs. The dealer would be required to post the telephone number in a conspicuous place in public view. The anticipated cost to post the number is minimal. The elimination of the landline requirement may be financially beneficial to the broker. Brokers will be required to notify the superintendent within fifteen days of a change of business location, mailing address and/or telephone number. The estimated time is minimal. Language concerning signage was changed to correlate to other

## Ohio Dept. of Commerce, Manufactured Homes Program

### BIA Attachment B

		rule provisions. Dealers may be required to change the location of existing signage to ensure visibility. The time requirements and costs will vary but should be minimal, as most businesses already post contact information. Dealers may be required to expend time providing proof of zoning compliance to the Division. The proposed changes permit disciplinary action for failure to comply with the rules for the physical conditions of the property and potential sanctions.
4781-11-18 Record retention.	Manufacture housing dealers and brokers.	Dealers and brokers will be able to maintain records electronically or by paper. No adverse impact is expected. Brokers will be required to keep a record of all monies received by the broker in a fiduciary capacity. If brokers do not have an accounting procedure in place that documents the required information they must expend time establishing one. The required information includes typical accounting information such as the date funds are received, the party from whom funds are received, the purpose of the funds, the amount received, the date funds are deposited into the broker's special or trust account, the check number and date funds are disbursed, and any other documents necessary and sufficient to verify and explain record entries and identify the current account balance. The time requirement is ongoing.
4781-11-19 Prohibited activities.	Licensed manufactured housing dealers, brokers, salespersons and potential buyers of manufactured or mobile homes.	The proposed change results in rescission of the rule as the rule is duplicative of Section 4781.16 of the Ohio Revised Code.
4781-11-20 Foreign business license.	Foreign business licensees.	The proposed changes add a sole proprietor, partner, or individual who has applied to the division to those who may sell, display, order for sale, or deal in manufactured housing in Ohio. No adverse impact is expected. Foreign business licensees must be actively registered with the Ohio Secretary of State. Few foreign business licensees are expected to be impacted as most businesses are already required to register with the Secretary of State.
4781-11-21 Non-sufficient funds items.	Manufactured housing broker, dealer, and salesperson applicants.	Applicants may pay a \$50 fee to prevent their application or renewal from being denied due to insufficient funds. This will allow the Division to continue to process the application by covering the expenses associated therewith. No adverse impact is

## Ohio Dept. of Commerce, Manufactured Homes Program

### BIA Attachment B

		expected as this saves the applicant the time and expense of submitting a new application.
4781-11-22 Sign required to identify place of business.	Manufactured housing broker and dealer applicants.	An application may be denied for failing to comply with business sign requirements or failure to provide proof of compliance. Applicants would have to correct deficiencies and reapply for licensing.
4781-12-01 Manufactured home park definitions.	Manufactured home park owners, operators, developers, and inspectors.	No adverse impact is expected.
4781-12-02 Application of rules; license for manufactured home parks.	Manufactured home park owners, operators, developers, and inspectors.	No adverse impact is expected.
4781-12-03 Manufactured home park license, contents of.	Manufactured home park owners, operators, developers, and inspectors.	No adverse impact is expected.
4781-12-04 Application for manufactured home park license.	Manufactured home park owners, operators, developers, and inspectors.	No adverse impact is expected.
4781-12-04.1 Manufactured home park inspection.	Manufactured home park owners, operators, developers, and inspectors.	No adverse impact is expected.
4781-12-04.2 Manufactured home park license fee categories.	Manufactured home park owners, operators, developers, and inspectors.	No adverse impact is expected.
4781-12-05 Development plan approval required.	Manufactured home park owners, operators, developers, and inspectors.	No adverse impact is expected.
4781-12-05.1 Submission for review and approval of development plans.	Manufactured home park owners, operators, developers, and inspectors.	The changes would reduce time and expenses for submitting plans by allowing them to be submitted electronically. No adverse impact is expected.
4781-12-05.2 Compliance with approved plans, verification inspections.	Manufactured home park owners, operators, developers, and inspectors.	The rule changes bring the rule into the purview of the Division of Industrial Compliance and adds grammatical changes. No adverse impact is expected.

## Ohio Dept. of Commerce, Manufactured Homes Program

### BIA Attachment B

4781-12-06 Site.	Manufactured home park owners, operators, developers, and inspectors.	The rule changes bring the rule into the purview of the Division of Industrial Compliance and adds grammatical changes. No adverse impact is expected.
4781-12-07 Flood plain management – notification of flood events.	Manufactured home park owners, operators, developers, and inspectors.	While the rule change appears to expand when the rule requirements applied from whenever there is a flood event in a manufactured home park in a 100-year flood plain to whenever there is a flood event, regardless of a flood plain, the rule change just aligns the language to R.C. 4781.33, which already applied the requirements of the rule to all flood events. The rule changes also allow a park operator to give notice by e-mail, instead of by telephone or in person, which may reduce compliance time and effort. So, no adverse impact is expected.
4781-12-07.1 Flood plain management development permits.	Manufactured home park owners, operators, developers, and inspectors.	The rule changes add a requirement of a site-specific drawing designed by an Ohio registered engineer, but the other rules in Chapter 4781-12 of the O.A.C. already required that drawing, so, no increased expense results. Additionally, the rule change eliminates a higher fee for certain flood plain management permits, reducing the costs overall. No adverse impact is expected.
4781-12-07.2 Flood plain management permit inspections.	Manufactured home park owners, operators, developers, and inspectors.	No adverse impact is expected.
4781-12-07.3 Flood plain management elevations; floodway regulations.	Manufactured home park owners, operators, developers, and inspectors.	No adverse impact is expected.
4781-12-08 Manufactured home lots.	Manufactured home park owners, operators, developers, and inspectors.	No adverse impact is expected.
4781-12-08.1 Freestanding auxiliary buildings.	Manufactured home park owners, operators, developers, and inspectors.	No adverse impact is expected.
4781-12-08.2 Tiedowns; supports; blocking.	Manufactured home park owners, operators, developers, and inspectors.	No adverse impact is expected.
4781-12-08.3 Placement notification.	Manufactured home park owners, operators, developers, and inspectors.	No adverse impact is expected.

## Ohio Dept. of Commerce, Manufactured Homes Program

### BIA Attachment B

4781-12-09 Streets; walkways; auto parking.	Manufactured home park owners, operators, developers, and inspectors.	Individuals will have to obtain the updated/new standards incorporated into the proposed rules. These updated standards are accessible online for free, and there should be no cost or expense required by a party to obtain the material. No adverse impact is expected.
4781-12-10 Lighting.	Manufactured home park owners, operators, developers, and inspectors.	No adverse impact is expected.
4781-12-11 Water systems.	Manufactured home park owners, operators, developers, and inspectors.	No adverse impact is expected.
4781-12-12 Storm water systems.	Manufactured home park owners, operators, developers, and inspectors.	Individuals will have to obtain the updated/new standards incorporated into the proposed rules. These updated standards are accessible online for free, and there should be no cost or expense required by a party to obtain the material. No adverse impact is expected.
4781-12-13 Location of lines.	Manufactured home park owners, operators, developers, and inspectors.	No adverse impact is expected.
4781-12-14 Park service building.	Manufactured home park owners, operators, developers, and inspectors.	No adverse impact is expected.
4781-12-15 Number of plumbing fixtures.	Manufactured home park owners, operators, developers, and inspectors.	No adverse impact is expected.
4781-12-16 Sewage.	Manufactured home park owners, operators, developers, and inspectors.	No adverse impact is expected.
4781-12-17 Manufactured home connections.	Manufactured home park owners, operators, developers, and inspectors.	No adverse impact is expected.
4781-12-18 Solid waste, collection and storage.	Manufactured home park owners, operators, developers, and inspectors.	No adverse impact is expected.
4781-12-19 Electrical systems.	Manufactured home park owners, operators, developers, and inspectors.	No adverse impact is expected.



## Ohio Dept. of Commerce, Manufactured Homes Program BIA Attachment B

4781-12-20 Fire protection.	Manufactured home park owners, operators, developers, and inspectors.	No adverse impact is expected.
4781-12-21 Recreation area and facilities.	Manufactured home park owners, operators, developers, and inspectors.	No adverse impact is expected.
4781-12-22 Maintenance.	Manufactured home park owners, operators, developers, and inspectors.	No adverse impact is expected.
4781-12-23 Rules.	Manufactured home park owners, operators, developers, and inspectors.	The rule adds grammatical changes. No adverse impact is expected.
4781-12-24 On duty.	Manufactured home park owners, operators, developers, and inspectors.	No adverse impact is expected.
4781-12-25 Records.	Manufactured home park owners, operators, developers, and inspectors.	No adverse impact is expected.
4781-12-26 Maintenance of records.	Manufactured home park owners, operators, developers, and inspectors.	No adverse impact is expected.
4781-12-27 Contracts for commission's annual inspections.	Manufactured home park owners, operators, developers, and inspectors.	No adverse impact is expected.
4781-12-28 Manufactured home parks; resident's remedies; retaliation prohibited.	Manufactured home park owners, operators, developers, and inspectors.	No adverse impact is expected.
4781-12-29 Rental agreements; disclosures; rules; prohibited conditions.	Manufactured home park owners, operators, developers, and inspectors.	No adverse impact is expected.
4781-12-30 Resident's duties.	Manufactured home park owners, operators, developers, and inspectors.	No adverse impact is expected.

**Ohio Dept. of Commerce, Manufactured Homes Program**  
**BIA Attachment B**

4781-12-31 Intimidation prohibited.	Manufactured home park owners, operators, developers, and inspectors.	No adverse impact is expected.
4781-12-32 Security deposit limitations.	Manufactured home park owners, operators, developers, and inspectors.	No adverse impact is expected.