

**MEMORANDUM**

TO: Janet Williams, Ohio Manufactured Homes Commission

FROM: Meredith Rockwell

DATE: September 13, 2012

RE: CSI Review – Maintenance and Operation (OAC 4781-12-09 through 4781-12-32)

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

The General Assembly recently transferred authority over manufactured home parks (parks) from the Ohio Department of Health (Health) to the Ohio Manufactured Homes Commission (Commission). This package, submitted by the Commission, adopts 24 new rules regarding maintenance and operation of parks. The rules almost entirely mirror the rules that were in place under Health. The Commission argues that businesses will actually benefit by having parks regulated by one entity, instead of dividing authority between Health, the Commission, and various local health departments.

The BIA was relatively accurate. The Commission stated that most suggestions received during the stakeholder outreach were incorporated into the rules. During a follow-up conversation with the Commission, the Commission stated that, in fact, *all* suggestions were incorporated into the draft rules. The rules do create fines for violations of the rules, but the Commission argues that the fines and compliance time created by the rules are necessary to ensure a safe and habitable environment for park residents.

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During the comment period, several suggestions were made by stakeholders. Some comments were merely editorial or raised questions regarding implementation that did not suggest changes to the rules themselves. One of the substantive comments received was from the Ohio Poverty Law Center. A staff attorney for the Center proposed three new rules for the Commission's adoption. These proposals are supplementary and not critical to the package's success, so the Commission determined that they need not address these suggestions at this time. The Center also proposed a change to draft OAC 4781-12-24. The Center wanted future amendments to park rules to be distributed by the park operator to each home in the park. The Commission determined that this is duplicative of other Ohio law and not necessary.

After reviewing the BIA and speaking with Commission staff, the CSI Office feels that the adverse impact created by the rules in this package is justified and that the Commission has adequately addressed all comments received.

Recommendations

1. With respect to the three supplementary rules proposed by the Ohio Poverty Law Center, the CSI Office recommends that the Commission consider the merit of those rules. Should the Commission decide to adopt them, it should place them in a new package, which would allow all stakeholders to comment on the content of those rules.

Conclusion

Based on the above comments, the CSI Office concludes that the Agency should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

cc: Mark Hamlin, Lt. Governor's Office