



Ohio Manufactured Homes Commission
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Visit our website!

Have you made a trip to www.omhc.ohio.gov lately? On our website you will find forms you may need to submit to our office for various purposes, applications to renew various licenses, agencies to call for permits in your area, information about the Commission and more importantly you will find the chapter of the Ohio Revised Code that is regulated by our office. If you haven't visited our website lately, check us out today!

If you have any suggestions or comments about items you would like to see on the website, please contact our office.

We are here
to help!

PHONE NUMBER

614-734-6010

HAPPY NEW YEAR
2016

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Happy New Year!

2015 brought several changes to the Commission and 2016 looks just exciting!

In October of 2015, the Commission celebrated it's 10th anniversary. In 2005 when the Commission was born out of a federally mandated law, the purpose was to ensure the safety of installations of manufactured homes throughout the state of Ohio. Since beginning that program, the state has recognized the need to include all aspects of the industry under one umbrella. Therefore, in 2010, legislation was passed to transfer the regulation of manufactured home dealers, brokers and salespeople from the Bureau of Motor Vehicle to the Ohio Manufactured Homes Commission and then in 2012 legislation was passed that transferred the regulation of manufactured home parks from the local health districts to the Ohio Manufactured Homes Commission. Since taking on these additional programs, the Commission has instituted several new procedures to better serve the public and we are continually evaluating those procedures to make them better.

The Commission saw several changes to the panel of Board Members whose terms had expired.

- Wally Comer resigned his position and Tom Rehrig was appointed to the board as the Manufactured Home Manufacturer representative.
- Ron Younkin's term expired and Tim Apel was appointed to the board as the Park Operator representative
- Evan Atkinson's term expired and Ron Younkin was appointed to the board as the OMHA representative.
- Eric Zgodzinski was appointed to the board as the Registered Sanitarian representative.
- Jim Demitrus's term expired as manufactured home resident representative.
- Dan Rolfes's term has expired as Manufactured Home Retailer and Evan Atkinson was appointed to replace him beginning Jan 1, 2016.
- Emory Helmuth's term has expired as Manufactured Home Installer and Marlene Knopsnider was appointed to replace him beginning Jan 1, 2106

We welcome our newest board members in their new roles!

Terry Swackhammer joined the Commission staff as an Investigator / Inspector.
Thomas Martin joined the Commission staff as the Fiscal Specialist.

COMMUNITY



The State ex rel Sunset Estate Properties, LLC et al Appellees vs The Village of Lodi Appellant

Have you been told by various entities that you are not permitted to move homes into your community once a lot becomes vacant by the current home leaving or being torn down?

Many communities have faced this dilemma and now we have the backing from the Ohio Supreme Court to stop this injustice for all community owners.

Manufactured home communities are zoned in one of two ways. It is either zoned as a commercial area / manufactured home park or it is zoned as "non-conforming". Non-conforming means that the manufactured home community existed prior to local zoning coming into effect in that area. Once local zoning came into effect, the area was zoned for something other than a manufactured home community. Therefore, the community is "non-conforming" to local zoning. Once an area is zoned as non-conforming, it is permitted to exist as is until the use of the land changes, for example, the community closes. Once the use is changed, the area must come into compliance with local zoning restrictions. Many local zoning officials try to apply zoning to the individual lots within the community themselves and not the community as a

whole. Therefore, if a lot becomes vacant because a home was removed, local zoning would try to apply the non-conforming clause to that lot and not allow the community to use the lot anymore. A community in Northern Ohio decided to take this battle to court once and for all.

In 2013 Sunset Estates was denied the ability to move homes into the community by the City of Lodi.

The City of Lodi stated that according to a local zoning ordinance, once a site within a manufactured home community was vacant for more than 6 months, the park owner was no longer permitted to use the site as it was deemed abandoned and no longer zoned for use in a manufactured home community. Sunset Estates took the battle to the local court who ruled in favor of the City of Lodi. Sunset Estates then appealed that decision to the Third District Court of Appeals who ruled in favor of Sunset Estates. The City of Lodi then appealed the Third District Courts decision to the Supreme Court of Ohio who agreed to hear the case in 2014.

Have you been denied the ability to bring homes into your community by local government or other entities?

In March of 2015, the Supreme Court of Ohio made their decision and it was a game changing decision for *all* manufactured home communities throughout the state of Ohio.

The Supreme Court ruled that local zoning ordinances are to be applied to the manufactured home community as a whole and not the individual lots within the community. A park operator is entitled to

use the approved site within the community over and over again until the community as whole closes.

This was a landmark decision that will help all park operators throughout the state regain the use of their land to continue to improve their community.

If you are a park operator, it would be in your best interest to be aware of this latest news and to make sure your legal counsel is aware of this decision as well. You may obtain a copy of the Supreme Court decision by visiting <http://www.supremecourt.ohio.gov/rod/docs/pdf/0/2015/2015-Ohio-790.pdf>



Water line breaks, potholes and cold weather go hand in hand during the winter season in Ohio. Take steps now to lessen the affects on your budget fixing these costly repairs.

The two biggest complaints our office receives in regards to manufactured home communities are street conditions and water line problems. Tough Ohio winters play a major role in these two events.

Potholes are very difficult to prevent but there are steps you can take to reduce the amount of potholes and the severity of the potholes in your community.

Potholes are caused by water getting under the pavement, freezing and damaging the asphalt. Repair drainage issues as soon as they are noticed. Seal up cracks in the pavement during the spring and summer. As soon as a pothole starts forming, fill it with cold patch until the weather improves to properly repair the pothole. Once Spring arrives, repair the potholes the proper way. Spending money to properly repair potholes will save thousands of dollars in other damages. Not repairing potholes as they form will cause structure damage to other parts of the asphalt, possible damage to vehicles, and have long term affects on the life expectancy of the asphalt.

Just like potholes, water breaks are near impossible to predict but you can reduce the chance of them happening with a little prep work before the cold sets in.

Do you have curb boxes? If so, verify the water is shut off to vacant sites. Are you aware of an area that has had a lot of erosion or drainage issues? If so, you may have a leak that will freeze up and cause a burst pipe down the road. Does your community run off a master meter? If so, read the meter several times during the day for a few days in a row. Make sure to conduct the readings during the week when resident activity is most consistent. Be sure to read the master meter at least one time during the hours of midnight and 6am. You should have significant less usage during those hours. If you are seeing only a slight decrease in usage during those hours, chances are you have a leak somewhere in the community. Bring in a leak detection company to help find and repair the leaks. Any money spent locating and repairing leaks will be significantly less then waiting for the leak to surface in the form of water rushing down the street. You will then be facing large water bills, upset residents over the potential loss of water to their home and all the damage to asphalt from the water.

Preparing for winter now can save you thousands of dollars later.

OPERATORS

Do you sell or lease to own 5 or more homes within a 12 month period?

It is very common for a park operator to take on the job of selling homes to help fill the community or prevent losing homes. This practice is completely legal and a great way to have boost your community.

Did you know though that if you sell or rent to own more then 5 homes within a 12 month period you must be licensed as a Manufactured Home Dealer?



Becoming licensed as a manufactured home dealer is relatively simple.

Don't wait to get licensed! If you are found to be selling homes without a license in the state of Ohio you may be fined up to \$1,000 per day per violation as well as be denied the ability to become licensed in the future.

If you need information on getting a license, contact our office today.

Have you been denied the ability to sell/install a home in certain townships, villages or municipalities just because it is a manufactured home?

Did you know that is illegal?

We are hearing more and more homeowners or dealers complain that townships, villages or local municipalities are preventing them from installing their newly purchase manufactured home in some jurisdictions. When questioned as to why a home may not be installed in that area, the customer is being told "Because you can not put a mobile home in this township, village etc..." That statement is illegal.

In March of 1999 ORC 519.212 went into effect which states that a zoning official *does not* have the authority to prohibit or restrict the location of a permanently sited manufactured home in any district or zone in which a single-family home is permitted.

To break the code down further, if the home meets the definition of permanently sited and the area is zoned for residential use, then the home can not be prohibited from being installed based on the fact that it is a manufactured home. Municipalities and townships do have the authority to restrict square footage of homes placed in residential areas though. That requirement must be applied to all residential dwellings including site built homes however. For example, if a township has a minimum 1200 square foot requirement on all residential homes placed or built in an area then a 14 x 70 home would not be permitted to be installed in that area. However, they must allow a 28 x 48 or larger HUD home because it would meet the square footage requirement.

To meet the definition of "permanently sited" the home must:

- Home must be affixed to a permanent foundation and connected to appropriate facilities
- Home (not including any additions) must have a width of at least 22ft, length of at least 22ft, and total living space of at least 900 sq ft (local ordinances may require more sq ft of living space)
- Home must have a minimum 3:12 roof pitch, conventional siding, and six inch minimum eave overhang
- Home must have been built after January 1, 1995
- Home can not be located in a manufactured home park

To summarize, if you are selling a home that meets the above requirements and it is going to be placed in an area that is zoned residential, local zoning can not prohibit that home from being installed in that location. If you or a customer run into this road block, please call our office or your legal counsel for assistance. Sometimes a simple phone call from our office to the zoning official will resolve the issue. Most of the time when this situation arises it is because the zoning official is unaware of the law and once explained to them, it is no longer an issue.

We are here to help! We provide other services than just licensing of your dealership.

Have you had any staff changes in your dealership?

State law requires that you notify our office immediately upon termination of the employment, for any reason, of any person licensed as a salesperson by the OMHC. One suggestion is to put a note in your termination packets so as you are filing the necessary paperwork for your business to terminate employment, you will be reminded to notify our office as well.

You must also display a current list of all licensed salespeople for your dealership along with your dealer's license. If you are in need of the form used to list and display the salespeople for a dealership, you will find in on our website under the forms link.



“Staging” a home is one of the best ways to show off the size and features of a home.

Who is required to obtain a salesperson license?

In order for an entity to be licensed as a dealership, there must be at least one licensed salesperson on staff. The only exception to this rule is if the President of the dealership is also going to be the salesperson. That person is not required to obtain a salesperson license.

Any other staff member employed by the dealership who is engaged in the business of selling, displaying, offering for sale, discussing pricing, or any other business related to the sale of a home must be licensed as a salesperson.

If a staff member holds a realtor’s license through the State of Ohio, this can be used in substitution of a salesperson license. This staff member must be listed on the Dealership’s List of Salespeople form along with any licensed salespeople.

Do you utilize informational packets on the home?

Today’s consumer has a wealth of knowledge at their fingertips. With the internet and social media, some of the information they may be obtaining is not accurate information. Reduce the risk of bad information causing you to lose a deal by making sure good information is available to them.

Have brochures available inside the models that discuss R value of the home, the controlled environment the home was built in, today’s regulations to ensure the home is installed correctly and safely, the warranty available on the home, and other choices they may have in upgrading the home.

LOUISVILLE MANUFACTURED HOUSING SHOW 2016

The 2016 Louisville Manufactured Housing Show is right around the corner and looks to be an exciting show this year. There will be over 50 homes on display and all the vendor booths have sold out! It is a great place to see a wide variety of homes, attend informational seminars and meet other industry folks. Registration is free for retailers so call today!

SALES PEOPLE

INSTALLERS

We have had an increase in calls and questions regarding skirting requirements when using ABS pads, the size of pads required and the need to double stack corner piers. There are a few misconceptions going around so we want to clarify these topics:

- ◆ Any size of ABS pads are acceptable if the load bearing capacity set forth by the manufacturer of the pad is met and a soil test is performed showing the soil classifications for that area. However, if you use a 24 x 24 ABS pad, soil testing is not required as a 24 x 24 pad may be used in all soil classifications in the state of Ohio. With that said, if an inspector arrives on the site and feels there is a concern with the soil classification regardless of the size of the pad used, they may require soil testing.
- ◆ **Solid** skirting is **NOT** required when using ABS pads. In fact, solid skirting is frowned upon by the Commission in conjunction with any type of footing due to ventilation concerns. The skirting requirement for ABS pads is the same requirement as any other approved foundation would be. Minimum ventilation required is 1 sq. ft per 1500 sq. ft of floor space.
- ◆ Corner Piers must be double stacked **ONLY** WHEN they are more than 3 block high. If 3 block high or less, single stack is permissible.



If you have any questions regarding these topics, please call our office.

Homeowner / Installer Agreement

Are you using the Homeowner / Installer Agreement every time a homeowner is doing a portion of the installation? If not, you should. This piece of paper can save you thousands of dollars in fines and potential lawsuits.

Homeowners are always looking for ways to save money. Many like to do a portion of the installation themselves thinking they are saving a few hundred dollars. The problem arises when the home does not get finalized as required and the installer is now on the hook because either their name is on the permit or they are the installer of record for the installation. If you are using this form, you can document who is responsible for each step of the installation process. Then, if you as the installer are called into the Commission for not finaling homes in a timely fashion, you will have the evidence to show that your portion of the work is complete. The Commission then can go after the homeowner for not completing the work as required.

You can find this form on our website at www.omhc.ohio.gov

Vapor Barrier

Regardless of the type of foundation used (even ABS pads), the need for vapor barrier is only dependent on the amount of ventilation provided under the home.

Vapor Barrier is **NOT** required if: No skirting or ventilated skirting is used *or* if ventilation provided is 1 sq. ft or more per 150 sq. ft of floor space.

Vapor Barrier **IS** required if: Solid Skirting and four corner vents is used *or* if ventilation provided is less than 1 sq. ft per 150 sq. ft of floor space.

INSPECTORS

The 180 Day Process

Permits are valid for 180 days. If the permit is still open on day 150, the inspection agency that issued the permit will send a notice to the homeowner and the installer notifying them they have 30 days to complete the installation and get the final inspection done. If, after 180 days, the permit has yet to be finalized, a final notice will be sent to the homeowner and the installer from the Commission. Installers at that point are subject to be brought before the Commission for permits that are older than 180 days and not finalized.

If you receive a letter from the inspection agency or our office, do not ignore the letter. If you think or know the installation has passed final inspection, call the inspection agency or our office immediately.

If you installed the home in conjunction with the homeowner and the part of the installation that was your responsibility is complete, notify our office and send us a copy of the homeowner / installer agreement form.

If you receive a notice about an installation that you did not have a part in, notify our office immediately.

If you receive a letter and you need more time to complete the installation, call the inspection agency and request an extension.

The "50% Rule"

Another topic of confusion is OAC 4781-6-02(A)(g) also known as The 50% rule. A few myths out there are:

1. If you only need to add or repair 50% or less of new concrete or foundation to accommodate a home replacement, then you do not need a licensed installer to perform the work. (In a park)
2. If you are re-setting 50% or less of a home (for example, one end of the home's foundation is failing and you are only going to repair that end and leave the rest anchored etc) then you do not need to obtain a permit and have inspections done.

Those statements are not true. In the example given in #1, regardless of how much concrete or foundation is being added or repaired, it must be done or supervised by a licensed installer when being done inside a manufactured home park. In example #2, once any of the anchoring system has been removed and the home is lifted up or moved for repairs, a permit and all inspections are required.

What the actual rule means:

If you are repairing, replacing or adding 50% or less to an existing foundation, only that portion of it has to be done to today's standards. As long as the existing foundation shows no signs of failing and the inspector is satisfied with the condition of the existing foundation, it can remain as is regardless of age or whether it was done to today's standards. HOWEVER, if you replace, repair or add more than 50%, you must bring the ENTIRE foundation up to today's standards regardless of the condition of the existing foundation.

Any questions, give our office a call.



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Upcoming Events

- 2016 Installer / Inspector Continuing Education Class Dates

February 24, 2016

May 25, 2016

October 25, 2016

October 26, 2016

Call the OMHA at 614-799-2340 to schedule your class today! Class size is limited so sign up soon!

- The next regularly scheduled board meeting for the Commission is February 17, 2016 at 10am. The board meetings are held in our Dublin office and our address is listed on the left. The meetings are open to the public and all are invited to attend. If you are planning on attending, please visit our website to verify the status of the meeting or give our office a call.

OMHC Issue 03 Winter 2015



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