

Ohio Manufactured Homes Commission
February 17, 2016
10:00 AM
5100 Parkcenter Avenue, Suite 103
Dublin, Ohio 43017

Members Present

Ron Younkin, Chair
Evan Atkinson, Vice Chair
Regina Hanshaw
Tom Rehrig
Rodney Hemming
Eric Zgodzinski
Marlene Knopsider

Commission Staff

Janet M. Williams, Executive Director
Angel Legge, Program Administrator
Terry Swackhammer, Inspector/Investigator
Gary Whitaker, Inspector/Investigator

Legal Counsel

Christie Limbert, AAG

Members Absent

None

Guests

Warren Connolly, OCIB
Andrea Reichman, OMHA
Elaine Gauck, Lake Terrace Park, Inc
Rick Helsinger, City of Fairfield Building Dept

Call to Order

The meeting was called to order at 10:05 AM by Ron Younkin.

Roll Call

All Commissioners were present with Rodney Hemming arriving at 10:25am.

Swearing in of Evan Atkinson, Retailer Representative Seat

Christie Limbert, AAG performed the swearing in of the newest Commissioner Evan Atkinson.

Swearing in of Marlene Knopsider, Installer Seat

Christie Limbert, AAG performed the swearing in of the newest Commissioner Marlene Knopsider.

Swearing in of Regina Hanshaw, BBS Representative Seat

Christie Limbert, AAG performed the swearing in of the returning Commissioner Regina Hanshaw.

Election of Officers

Action: Tom Rehrig made a motion to nominate Ron Younkin as Chair of the Commission. Motion was seconded by Eric Zgodzinski. No other nominations were received. The motion passed unanimously.

Action: Tom Rehrig made a motion to nominate Evan Atkinson as Vice-Chair of the Commission. Motion was seconded by Eric Zgodzinski. No other nominations were received. The motion passed unanimously.

Approval of the Minutes

Ron Younkin asked for a motion to approve the minutes from the December 17, 2015 meeting.

Action: A motion was made by Regina Hanshaw to approve the minutes from the December 17, 2015 meeting. The motion was seconded by Tom Rehrig. The motion passed unanimously.

Public Comment

Rick Helsinger from the City of Fairfield Building Department spoke in regards to building department's jurisdiction within manufactured home communities. He stated his department was getting bombarded with requests for permits for additions to homes within the communities in his area. He stated he was unsure of the setbacks and guidelines that were to be followed in regards to those room additions. He also wanted clarification on other items that may be under their jurisdiction. There was some concern from their local prosecutor that the building department no longer had jurisdiction over anything within a manufactured home community. Janet Williams explained to Mr. Helsinger that the building department in fact did still have jurisdiction over any structures built on site within a manufactured home community. She also gave him the setback diagrams and rules to aid in permitting additions made to homes. Tom Rehrig also reminded him that all structures built on site must be freestanding as well as self-supporting. When the home was manufactured, the roof load and electrical and heating and cooling system was designed to support the home in its original form. Any additions are above and beyond the roof load, electrical and heating/cooling capacity. Therefore, any additions must also be self-supporting for electrical and heating and cooling needs as well.

Executive Director's Report

Janet Williams informed the Commission of the resignation of Tim Apel effective immediately. Mr. Apel has sold all his manufactured home communities and therefore is no longer a community owner. He does not meet the requirements to hold a seat on the Commission as a Community Owner Representative. Ms. Williams has already contacted the OMHA and requested a replacement be named for that seat.

Janet Williams presented a list of two (2) applicants for salesperson licenses that met the requirements for a salesperson's license.

Action: A motion was made by Evan Atkinson and seconded by Tom Rehrig to approve the two (2) salesperson applicants listed on the ratification list pending the results of the fingerprinting. The motion passed unanimously.

Janet Williams presented a list of two (2) applicants for a dealer's license that met the requirements for a dealer's license.

Action: A motion was made by Tom Rehrig and seconded by Eric Zgodzinski to approve the two (2) dealer applicants listed on the ratification list pending receiving the missing documents from Bayshore. The motion passed unanimously.

Janet Williams presented a list of one (1) applicant for an installer's license that met the requirements for an installer's license.

Action: A motion was made by Tom Rehrig and seconded by Eric Zgodzinski to approve the one (1) applicant for an installer's license listed on the ratification list pending the passing of the exam. The motion passed unanimously.

Inspectors Report

Gary Whitaker presented the update on the Community Complaints Resolved. Numbers show that there has been an increase in complaints resolved since last meeting. No other abnormalities were noted.

Budget Report

Janet Williams presented the update on the budget as of the current date. Total expense for FY16 to date is \$562,295 and total revenue to date is \$909,433.80.

MOU's for Community Inspections

All MOU's have been sent out to the LHD's and TPA's that conducted inspections in the past. 64 of the 66 LHD's have returned the MOU's signed. We are working on contacting the 2 that have not responded. All the TPA's but one have responded. We are working on contacting them as well.

Community Inspections for 2015

All community inspections for 2015 have been completed. 1287 inspections have been followed up on, completed and closed. 312 inspections are in various stages of follow up.

Community Renewal Report

1418 renewal applications for park license have been completed. There are 44 applications in various stages of the renewal process. There are 120 communities that have failed to return their application or make contact with our office. We have 1 newly discovered community that we are working on getting renewed and 7 communities that have failed to renew since 2012. Those 7 communities are currently in the process of being turned over to the local courts for action.

When the renewal applications were mailed out, a questionnaire was enclosed in regards to vacant sites, abandoned homes and inventory homes in each community. The information that was supplied from the community owners has been compiled onto a sheet and is in each folder for review. This information was obtained at the request of the Auditor's Association to determine the impact of the number of abandoned homes in Ohio.

Engineered Drawings

Gary Whitaker presented the recent changes made to the engineered drawings for use by installers and homeowners. Despite attempts made to reach out to the architect, he has not completed the revisions as requested and further stated that he was no longer willing to work on the project. The drawings will be sent to a different firm for further revisions.

Mods In Communities

The informal opinion from the AG's office is almost complete. It will be sent out to all Commissioners within the week. AAG Limbert did inform the Commission that the summary of the opinion is that Chapter 4781 of the ORC does not authorize the Commission to stop Mods from being installed in communities. This topic will be discussed further once the opinion has been received and reviewed by the Commissioners.

Proponent Testimony for SB 273

Janet Williams informed the Commission of the testimony presented to the General Assembly in regards to the amendments presented to the abandoned home law. One of the concerns presented by the General Assembly is the step in stating the value of the home. Our agency is also working to introduce a new law that will provide us the jurisdictional authority to condemn and force the removal of abandoned homes that pose a life or safety hazard to the community. A few additions were made that should clarify this process. The changes are with the lobbyist and awaiting the next step.

Interactive Permit Application for Installation

Marlene Knopsider stated that she would like to see the applications for permits be available online which would be more user friendly. It was explained that each agency uses their own application. We will reach out to inspection agencies to get their thoughts and opinions on a global form.

New Installation Course Through MHEI

MHEI notified the Commission they were developing a new course for the installer's/inspector's test. Gary and Terry will take the course and compare it to the previous one as well as confirm it will meet the requirements per Ohio law.

Manufactured Home Being Used as an Office in a Community

A community in Clermont County recently received a violation from the Clermont County Building Department stating that the manufactured home they were using must be permitted by Clermont County Building Department and follow their laws and ordinances because they changed the use of occupancy by using it as an office.

Our agency reached out to the Board of Building Standards for confirmation of our interpretation of Chapter 3781 ORC which states that when a home is used as an office to promote the sale/rental of similar units, it is exempt from the Ohio Residential or Commercial Building Code. The BBS Code Committee met on January 14, 2016 and confirmed that using manufactured homes in communities as offices meets the exemption in the Ohio Residential Code. The Clermont County Building Department was informed by the BBS of their view on the matter. Clermont County Building Department informed the BBS, our agency and the park operator they were not rescinding the violation and they were moving forward with action.

On-Site Construction Rule

Janet Williams presented a summary drafted by Mary Gaiski with the PA Manufactured Housing Association in regards to the new On Site Construction and Inspection Rule presented by HUD. HUD may delay the implementation of the rule which will be decided at a later date.

Unlicensed Communities

Staff met with AAG Limbert and Regina Hanshaw to discuss the requirements needed to pursue communities that have failed to renew their license to operate. The staff will put the cases together and forward to the AG's office.

OMHC Newsletter

The latest newsletter was placed in the packet for the Commissioners' review. Angel Legge was congratulated on a job well done with the newsletter.

Contracts

Certified building departments will now be required to sign annual contracts similar to the Third Party Agencies. There are procedural and policy requirements that are outlined in the contract that building departments need to be aware of.

The contract for the Hearing Officer was reviewed.

Action: Eric Zgodzinski made a motion to accept the contract for the Hearing Officer through June 30, 2017 up to \$5000.00. Rodney Hemming seconded the motion and the motion passed unanimously.

Rule Revision

Per the Commission's instruction, Warren Connolly submitted language change for possible rule revision to address the electrical jurisdictional line. Regina Hanshaw will present the language to the BBS for their review and comments.

Approval for Out of State Trip

Janet Williams requested permission to attend the 2016 National Congress and Expo for Manufactured Housing.

Action: Eric Zgodzinski made a motion to approve Janet Williams attending the 2016 National Congress and Expo for Manufactured Housing. Motion was seconded by Evan Atkinson and passed unanimously.

MHARR Production Year End 2015

The most recent article in regards to manufactured home production was given to the Commission members.

Passing of Frank Barber

Janet Williams informed the Commission of the passing of installer Frank Barber.

Imperial II, Solar Lamp Post

Janet Williams stated there was an informational sheet in the packet discussing a solar lamp post that may be beneficial to communities.

New Business

Janet Williams informed the Commission of the upcoming CE class scheduled for February 24, 2016.

AG Limbert informed the Commission that she can provide a Sunshine Law refresher course to the board. She felt that it may be a good idea considering all the new members that have been added to the Commission. The Commissioners agreed that it would be a good idea. AG Limbert stated she will give the presentation at the next Commission meeting.

Adjournment:

Action: Motion to adjourn made by Tom Rehrig and seconded by Eric Zgodzinski. The motion passed unanimously. Meeting ended at 2:08pm.

Minutes respectfully submitted and certified by Executive Director, Janet M. Williams

Janet M. Williams
Executive Director
Ohio Manufactured Homes Commission

Ron Younkin
Chair
Ohio Manufactured Homes Commission

Ohio Manufactured Homes Commission
April 20, 2016
10:00 AM
5100 Parkcenter Avenue, Suite 103
Dublin, Ohio 43017

Members Present

Ron Younkin, Chair
Evan Atkinson, Vice Chair
Rodney Hemming
Marlene Knopsider
Eric Zgodzinski

Commission Staff

Janet M. Williams, Executive Director
Angel Legge, Program Administrator
Terry Swackhammer, Inspector/Investigator
Gary Whitaker, Inspector/Investigator

Legal Counsel

Christie Limbert, AAG

Members Absent

Regina Hanshaw
Tom Rehrig

Guests

Warren Connolly, OCIB
Jim Demitrus, AMHRO
Jeff Demitrus, AMHRO
Kathleen Demitrus, AMHRO
Linda Miller, AMHRO
Frank Pojman, AMHRO
Fouad Yared, Cleveland Tenants Organization

Call to Order

The meeting was called to order at 10:12 AM by Ron Younkin.

Roll Call

All Commissioners were present with the exception of Regina Hanshaw and Tom Rehrig.

Approval of the Minutes

Ron Younkin asked for a motion to approve the minutes from the February 20, 2016 meeting.

Action: A motion was made by Eric Zgodzinski to approve the minutes from the February 20, 2016 meeting. The motion was seconded by Rodney Hemming. The motion passed unanimously.

Public Comment

Frank Pojman wanted to bring to the Commissioner's attention of a matter that the EPA is addressing in regards to the waste water treatment facility at Columbia Park. Mr. Pojman was assured the EPA was well aware of the issues and the EPA is handling the matter as it is their jurisdiction.

Fouad Yared with the Cleveland Tenant's Organization discussed a matter pertaining to Applecreek Community which was recently purchased by Horizon Land Management. The residents are concerned with the new rules put in place by the new owner's. Janet Williams instructed Mr. Yared to send in the complaints and the Commission will look at the case and see if there is anything that needs to be done.

Executive Director's Report

Janet Williams presented a list of ten (10) applicants for salesperson licenses that met the requirements for a salesperson's license.

Action: A motion was made by Eric Zgodzinski and seconded by Rodney Hemming to approve the ten (10) salesperson applicants listed on the ratification list pending the results of the fingerprinting. The motion passed unanimously.

Janet Williams presented a list of four (4) applicants for a dealer's license that met the requirements for a dealer's license.

Action: A motion was made by Evan Atkinson and seconded by Rodney Hemming to approve the four (4) dealer applicants listed on the ratification list pending fingerprint results and bond received. The motion passed unanimously.

Janet Williams presented a list of three (3) applicants for an installer's license that met the requirements for an installer's license.

Action: A motion was made by Eric Zgodzinski and seconded by Evan Atkinson to approve the three (3) applicants for an installer's license listed on the ratification list pending the passing of the exam. The motion passed unanimously.

Potential Hearings

Janet Williams presented 9 people to the Commission for possible 119 hearings. Charges were read for each individual.

Action: Eric Zgodzinski made a motion to proceed with 119 hearings for all 9 individuals. Evan Atkinson seconded the motion. The motion passed unanimously.

Washington DC Approval

Janet Williams asked the Commission to approve for her to travel to Washington D.C. to attend HUD's SAA/PIA meeting June 13-June 16.

Action: A motion was made by Eric Zgodzinski and seconded by Rodney Hemming to approve travel to Washington D.C. for Janet Williams to attend the HUD SAA/PIA meeting. The motion passed unanimously.

June Commission Meeting

Janet Williams informed Commissioners that the June meeting would need to be cancelled due to her being in Washington D.C. The next scheduled meeting will be May 18th, 2016.

Quorum Lost

Commissioner Eric Zgodzinski had to leave at 11:30am. The Commission no longer had a quorum. The remainder of the day was spent giving informational material to the remaining members.

Inspectors Report

Gary Whitaker presented the update on the Community Complaints Resolved.

Budget Report

Janet Williams presented the update on the budget as of the current date. Total expense for FY16 to date is \$675,473 and total revenue to date is \$965,689. Revenues are not expected to increase much more for FY16. Expenses are expected to increase by \$260,000 by year's end.

Community Inspections

Angel Legge hosted a webinar on March 28, 2016 for all agencies conducted annual park inspections on behalf of the Commission. The most common errors made on reports were discussed along with the expectations the Commission had for the inspections. 55 people attended the webinar.

Community Renewal Report

1533 renewal applications for park license have been completed. There are 38 communities that have failed to return their application or make contact with our office. We have 18 communities in various stages of moving forward with AG's office to pursue further action to obtain compliance.

An update of the abandoned home information was presented in the packet.

Email to Installers

An email was sent out to all installers notifying them the Commission is seeking to maintain a database that would show which county each installer will work in. This will better serve the public when they are seeking an installer for their area. Once the information has been gathered it will be placed on our website.

License Update

A report was distributed to the Commission members showing the number of salespeople and dealers through each FY started in 2010 when we became the regulatory agent for those licenses.

Skirting / Vapor Requirements

The information sheet that was given to the Commission a year ago was included in the packet again.

Setback Diagrams

There was an error find on the setback diagrams in relation to the dates in the header. The date was corrected and the corrected diagrams were given to all Commission members.

Engineered Drawings

Due to the previous firm no longer wanting to work on the drawing revision project, Tom Rehrig redrafted the drawings using a different software program. The drawings were presented but were not discussed due to Mr. Rehrig's absence. They will be discussed at the next meeting.

Mods In Communities

The informal opinion from the AG's office has been completed and was presented to the Commission members.

Unlicensed Communities

Staff met with AAG Christie Limbert and Regina Hanshaw to discuss the requirements needed to pursue communities that have failed to renew their license to operate. The staff will put the cases together and forward to the AG's office.

HUD Approval

The Commission received the 3 year approval for the Dispute Resolution program from HUD.

Newsletters

The most recent MHARR article in regards to manufactured home production, HUD's newsletter and the Financial Newsletter was given to the Commission members.

News Media

Three news articles were given to the Commission in regards to the recovery of the industry, water issues in a manufactured home community and an article on Tiny Houses and HUDs involvement.

Rule Revisions

The BBS reviewed the rule revision language submitted to clarify the jurisdictional areas of electrical construction. Regina Hanshaw was absent from today's meeting. The item will be discussed at the next meeting.

Dates to Remember

The information sheet showing the dates of when the Commission was born and begun licensing each license type was included in the packet.

Fire in Streetsboro

The news article discussing a fire in a manufactured home in Streetsboro Ohio was distributed.

Tim Apel's Service

The Commission expressed their appreciation for the service of Tim Apel as a Commissioner as well as an industry leader and OMHA activist. An appreciation certificate will be mailed to Mr. Apel.

Sympathies

The Commission acknowledged the passing of several industry professionals over the recent months. Installer Steve Helmich, Community Owner's Robert and Marjorie Dunnington and Installer Beverly Williamson.

Adjournment:

Members left at 1:10pm. Due to lack of quorum, an adjournment vote was not taken.

Minutes respectfully submitted and certified by Executive Director, Janet M. Williams

Janet M. Williams

Executive Director

Ohio Manufactured Homes Commission

Ron Younkin

Chair

Ohio Manufactured Homes Commission

Ohio Manufactured Homes Commission
May 18, 2016
10:00 AM
5100 Parkcenter Avenue, Suite 103
Dublin, Ohio 43017

Members Present

Ron Younkin, Chair
Evan Atkinson, Vice Chair
Rodney Hemming
Marlene Knopsnider
Eric Zgodzinski
Regina Hanshaw
Tom Rehrig

Commission Staff

Janet M. Williams, Executive Director
Angel Legge, Program Administrator
Terry Swackhammer, Inspector/Investigator
Gary Whitaker, Inspector/Investigator

Legal Counsel

Christie Limbert, AAG

Members Absent

Guests

Warren Connolly, OCIB
Frank Pojman, AMHRO
Robert VanSchuyver, UMH Properties

Call to Order

The meeting was called to order at 10:00 AM by Ron Younkin.

Roll Call

All Commissioners were present.

Approval of the Minutes

Ron Younkin asked for a motion to approve the minutes from the April 20, 2016 meeting.

Action: A motion was made by Rodney Hemming to approve the minutes from the April 20, 2016 meeting. The motion was seconded by Marlene Knopsnider. The motion passed unanimously.

Public Comment

Frank Pojman discussed the ongoing waste water treatment plant issue at the community he resides at which is Columbia Park. He implored that the Commission must step in and take action. It was explained to him that the EPA is the state agency that is overseeing this project and they are taking all the appropriate steps to correct the situation. The EPA is the state agency that regulates and oversees waste water treatment systems throughout the State and the OMHC does not have the authority to override the EPA in regards to those systems. Mr. Pojman referred to ORC 4781.38 which states that a park operator must make all repairs and do whatever is reasonably necessary to put and keep the premises in a fit and habitable condition. He feels that it is the duty of the OMHC to step in and take care of these issues. It was explained to him that the OMHC is handling the situation appropriately by referring the issue to the EPA who is the appropriate agency to enforce the maintenance and

repairs of the system. If the owners of Columbia Park do not perform the necessary steps to correct the problems, the EPA will take the necessary steps to bring action against Columbia Park.

Mr. Pojman also discussed the leases at Applecreek Community that were brought to the attention of the Commission at the last meeting. He stated that the Commission needs to step in and force them to correct the legal issues within the lease. It was explained to Mr. Pojman that the Commission has been in contact with Mr. Yared and Mr. Yared is aware of the Commission's stance on the matter and Mr. Yared stated that he understood and the matter was resolved. Mr. Pojman stated he would contact Mr. Yared.

Executive Director's Report

Janet Williams presented a list of sixteen (16) applicants for salesperson licenses that met the requirements for a salesperson's license.

Action: A motion was made by Eric Zgodzinski and seconded by Regina Hanshaw to approve the sixteen (16) salesperson applicants listed on the ratification list pending the results of the fingerprinting. The motion passed unanimously with Evan Atkinson abstaining from the discussion and vote.

Janet Williams presented a list of nine (9) applicants for a dealer's license that met the requirements for a dealer's license.

Action: A motion was made by Regina Hanshaw and seconded by Rodney Hemming to approve the nine (9) dealer applicants listed on the ratification list pending fingerprint results. The motion passed unanimously.

Janet Williams presented one (1) applicant for an installer's license that met the requirements for an installer's license.

Action: A motion was made by Tom Rehrig and seconded by Eric Zgodzinski to approve the one (1) applicants for an installer's license listed on the ratification list. The motion passed unanimously.

Janet Williams presents an applicant for an installer's license that met the requirements for an installer's license. The applicant does have a felony conviction for possession of criminal tools. It was explained that the conviction was from 18 years ago when the applicant traded some property and the property he received was stolen. He was found guilty and spent time in prison. Upon his release, he has not been charged or convicted of any other crimes.

Action: A motion was made by Rodney Hemming and seconded by Eric Zgodzinski to approve the applicant for an installer's license pending the passing of the exam. The motion passed unanimously.

Report from Vegas Congress

Janet Williams discussed her trip to Las Vegas in April. She discussed the different breakout sessions and ways attendees were working to bring new residents to their communities. She stated that former Commissioner Wally Comer representing Adventure Homes received one of the Manufacturer of the Year awards.

Inspectors Report

Gary Whitaker presented the update on the Community Complaints Resolved.

Budget Report

Janet Williams presented the update on the budget as of the current date. Total expense for FY16 to date is \$723,789 and total revenue to date is \$1,015,341.

Community Inspections

Community Inspections have begun. 280 inspections have been completed so far. We have about 1300 more inspections yet to be conducted.

Community Renewal Report

New count for communities in the state is 1587. 47 certified letters went out the week of May 9th, 2016. As a result, we have processed 9 more applications bringing the count to 1540 active licenses, 31 communities in various stages and 16 communities that need to be investigated for legal action.

An update of the abandoned home information was presented in the packet.

Seal Report Update

An update was given to the Commissioners showing the status of permits that have been issued since the Commission began issuing seals. Out of the 19 active agencies in existence today, there have been 16134 permits issued, 14358 of those permits have been finalized which is 83%. Of the 1776 permits that remain open, 992 of them have expired. A Commissioner pointed out that one third party agency has 81% of the 992 expired permits.

Engineered Drawings

Gary Whitaker and Tom Rehrig discussed the most recent revisions to the engineered drawings. A few typos need to be corrected as well as confirmation of filler material. Tom Rehrig will look into the concerns and present another revision at the next meeting.

Email to Installers, Inspectors and Inspection Agencies

During a recent investigation into a park in regards to a possible purchase, it was discovered the park was in a flood plain. As a follow up, it was being verified that all the homes that were installed in the park were done so to flood plain standards. A memo was also sent out to all 346 installers, inspectors and inspection agencies reminding everyone that it is everyone's responsibility to verify if a home is being placed in a flood plain or not. During the conversation Warren Connolly from OCIB felt that it is not the responsibility of the inspection agency or inspector to verify if the installation is being done in a flood plain. Mr. Connolly stated that they ask all applicants if it is in a flood plain and they said yes or no. If they say no and that is in fact untrue, the burden of responsibility falls to the installer if harm comes to the homeowner due to the improper installation of the home. It was explained to Mr. Connolly that if inspectors could just take the applicants word for it then why inspect any portion of the installation at all? Just take the installer's word for it that it was set correctly. All commissioners agreed that the inspector has just as much responsibility as the installer to verify if the location is in a flood plain or not. When an applicant purchases a permit, they are buying the peace of mind that the installation of their home was done properly. When an inspector places a seal on a home that seal is stating the home was installed properly and safely for the location in which it was placed on.

Electrical Issue

Regina Hanshaw updated the Commission on possible changes to BBS laws and rules that will affect manufactured homes. The BBS is considering better defining the exemption of manufactured homes from the residential codes of Ohio which will in turn better define the line of demarcation in regards to the electrical installation portion of setting a home.

She also clarified that local building departments are not under the jurisdiction of the BBS. Local building departments are under the authority of the county commissioners and local building and zoning ordinances. The changes to the BBS laws and rules will better clarify the line of demarcation for electrical installations however local building departments can still enforce their own codes and ordinances. It will ultimately be decided by the power company as to who they recognize as the local authority having jurisdiction.

Hearing Settlements

AAG Limbert recommended to the Commission that they authorize the Executive Director to propose initial settlement terms for any pending R.C. Chapter 119 administrative action, and to discuss potential case settlements with the AAG. The Commission will retain the final say on whether the settlement will be accepted and all approved settlements must be signed by the Chair.

Action: Tom Rehrig made a motion to grant the Executive Director the discretion to propose initial settlement terms for any pending R.C. Chapter 119 administrative action, and to discuss potential case settlements with the AAG. Eric Zgodzinski seconded the motion. The motion passed unanimously.

5 cases were presented to the Commission for settlement offers in lieu of 119 hearings.

Case 2016-003 Keith Putnam

Mr. Putnam has two charges against him for approving final inspections on two installations that were performed by an unlicensed installer. Rodney Hemming requested more information on the unlicensed installer. It was explained that the installer was licensed at one time but had let his insurance lapse. On December 3, 2015 the installer was listed as inactive in our system which is available in real time to the public. The installer remained inactive until April 13, 2016 when he provided updated insurance to our agency. The final inspections were conducted and approved on March 18, 2016. The settlement offer is \$400.

Action: Rodney Hemming made a motion to approve the settlement agreement between the Commission and Keith Putnam for a \$400 fine. Eric Zgodzinski seconded the motion. The motion passed unanimously.

Case 2016-004 David Duckworth

Mr. Duckworth has one charge against him for approving a final inspection on an installation that was performed by an unlicensed installer. It was explained to the Commission the installer in this case is the same installer in Case 2016-003 and all details remain the same with the exception that the final inspection was conducted and approved on April 7, 2016. The settlement offer is \$200.

Action: Rodney Hemming made a motion to approve the settlement agreement between the Commission and David Duckworth for a \$200 fine. Eric Zgodzinski seconded the motion. The motion passed unanimously.

Case 2016-001 Jeff Kier

Mr. Kier has one charge against him for installing a home without an active license. Mr. Kier's license became inactive on December 3, 2015. On March 27th, Mr. Kier was sent a certified letter notifying him he was no longer permitted to install homes in Ohio until we received his updated insurance information. Mr. Kier signed for the letter on March 30 and also called our office that day and stated he would get insurance asap and send it to our office. We received the insurance information on April 13, 2016. Mr. Kier's license was re-instated on April 13, 2016. On April 4, 2016, Mr. Kier applied for and received a permit to install a home he did not own. Mr. Kier installed the home and completed the installation on April 7, 2016. The settlement offer is \$200.

Action: Eric Zgodzinski made a motion to approve the settlement agreement between the Commission and Jeff Kier for a \$200 fine. Evan Atkinson seconded the motion. The motion passed unanimously.

Case 2016-005 Southern Ohio Manufactured Homes Inspection

Southern Ohio Manufactured Homes Inspection has eleven charges against them for issuing permits to an unlicensed installer. Installer Jeff Kier became inactive on December 3, 2105. His status as an installer was immediately updated in the system that is available to the public in real time. Mr. Kier remained inactive as an installer until April 13, 2016. From March 3, 2016 to April 4, 2016 SOMH issued 11 permits to Mr. Kier. The settlement offer was \$2200. It was negotiated to \$1100 now, \$1100 suspended provided no further violations within the next 2 years.

Action: Evan Atkinson made a motion to approve the settlement agreement between the Commission and Southern Ohio Manufactured Home Inspections LLC for a fine of \$2200, with \$1100 due immediately and \$1100 held in abeyance. If the settlement agreement is violated, or if Southern Ohio violates 4781-7-06(B)(7) again in the next 2 years, the \$1100 held in abeyance shall be immediately imposed. Eric Zgodzinski seconded the motion. The motion passed unanimously.

Case 2015-001 Rick Binder

Mr. Binder has been charged with 301 counts of violating Chapter 4781 of the R.C., ethics violations, misrepresenting his qualifications, violations of OMHC rules and policies, acting without integrity, failing to protect the public, conducting inspections that he was not qualified to perform, failing to keep true and accurate copies of inspections and conducting electrical inspections without being a licensed ESI through the BBS. Mr. Binder conducted 301 electrical inspections during the installation of homes that he was not permitted to do as he was not an ESI. Tom Rehrig is very concerned with what Mr. Binder has done and feels this was an act of commission rather than act of omission. He is questioning whether this warrants more charges than what has already been charged. Evan Atkinson says that he is very concerned with what Mr. Binder has done but he does acknowledge that he is one of the more critical inspectors we have. Ron Younkin made mention that the Commission hadn't received many complaints but it was not an excuse for his actions. AAG Limbert presented a settlement offer of \$15,050 and he must develop and put in place a recordkeeping policy within 60 days of the signature of the agreement.

Action: Evan Atkinson made a motion to approve the settlement agreement between the Commission and Rick Binder for a fine of \$15,050 due within 90 days. Eric Zgodzinski seconded the motion.

Roll Call: Younkin: No Atkinson: No Hanshaw: Abstain Rehrig: No Hemming: No Zgodzinski: No Knopsnider: Abstain
Motion denied.

Action: Evan Atkinson made a motion to offer a settlement agreement between the Commission and Rick Binder for a fine of \$30,100, with \$15,050 due immediately and \$15,050 held in abeyance. If the settlement agreement is violated, or if Rick Binder violates 4781-7-08-I-12 again in the next 2 years, the \$15,050 held in abeyance shall be immediately imposed. Mr. Binder must also admit guilt of all charges. Eric Zgodzinski seconded the motion. Roll Call: Younkin: Yes Atkinson: Yes Hanshaw: Abstain Rehrig: Yes Hemming: Yes Zgodzinski: Yes Knopsnider: Abstain
Motion carried.

HUD Evaluations

Janet Williams informed the board of a letter she received from HUD notifying the Commission that they will be reviewing our installation program to confirm regulatory adherence and assess the effectiveness of each state's program. HUD will notify us when the evaluation will begin.

Pike County Deaths

Janet Williams shared news articles relating to the deaths in Pike County of 8 family members.

Fiscal 2017 Meeting Schedule

Janet Williams informed the Commission of the dates for the FY 17 Commission meetings.

Action: Eric Zgodzinski made a motion to accept the FY17 meeting calendar which was seconded by Rodney Hemming. Motion passed unanimously.

Reminder of June Meeting

Janet Williams reminded everyone of the cancellation of the June Commission meeting.

New Business

CE Class Change

The Commission was informed that there has been a change in the structure of CE classes. Effective immediately installers and inspectors will be separated into different classes in order to make the classes more tailored to each specialty. There will be an inspector only class in August. There will be two installer only classes in October.

Adjournment:

Action: Motion to adjourn made by Tom Rehrig and seconded by Eric Zgodzinski. The motion passed unanimously. Meeting ended at 1:53pm.

Minutes respectfully submitted and certified by Executive Director, Janet M. Williams

Janet M. Williams
Executive Director
Ohio Manufactured Homes Commission

Ron Younkin
Chair
Ohio Manufactured Homes Commission

Ohio Manufactured Homes Commission
August 16, 2016
10:00 AM
5100 Parkcenter Avenue, Suite 103
Dublin, Ohio 43017

Members Present

Ron Younkin, Chair
Evan Atkinson, Vice Chair
Regina Hanshaw
Tom Rehrig
Rodney Hemming
Marlene Knopsnider

Commission Staff

Janet M. Williams, Executive Director
Angel Legge, Program Administrator
Terry Swackhammer, Inspector/Investigator
Gary Whitaker, Inspector/Investigator

Legal Counsel

Christie Limbert, AAG
Trista Turley, AAG

Members Absent

Eric Zgodzinski

Guests

Warren Connolly, OCIB
James Demitrus, AMHRO / MHCC
Frank Pojman, AMHRO
BJ Lysic, AMHRO
Rick Binder, Binders Inc
Nancy Binder, Binders Inc
Elaine Gauck, Lake Terrace Park
Andrea Reichman, OMHA

Call to Order

The meeting was called to order at 10:15 AM by Ron Younkin.

Roll Call

All Commissioners were present with the exception of Eric Zgodzinski.

Approval of the Minutes

Ron Younkin asked for a motion to approve the minutes from the May 18, 2016 meeting.

Action: A motion was made by Tom Rehrig to approve the minutes from the May 18, 2016 meeting. The motion was seconded by Rodney Hemming. The motion passed unanimously.

Public Comment

Frank Pojman raised concerns over how resident's complaints were being handled when the complaint is about an issue that is a civil issue between the resident and the park operator. Mr. Pojman is requesting that the Commission offer more assistance with the civil matters by referring the complaint onto legal aid or other task forces designed to assist residents of manufactured home communities. He feels that if the complaint was sent to

other parties by the Commission it may have more bite with those agencies. Janet Williams explained to Mr. Pojman that if a complaint is made that is a civil issue between the park operator and the resident, the Commission will not be contacting legal aid or other task forces on behalf of the residents. The resident must be the one to contact legal counsel for their concern. If the resident's legal counsel contacts our office and request records or information on the issue, we would be more than happy to help.

Mr. Pojman asked if complaint logs were public record. Would he have the ability to request the complaint logs for all sewage complaints or other topics? Janet Williams explained to Mr. Pojman that our complaints are filed by licensee, not topic. We would not have a way to pull complaints by topic. If he would like to request all complaints on a specific park we will be able to accommodate that request. Mr. Pojman stated he would like to make a suggestion that we change the way we file our complaints. He stated that he wanted to see how many of the complaints were resolved by the Commission vs. how many complaints were resolved because residents resolved them themselves.

Warren Connolly stated he is still having issues with Clermont County Building Dept. conducting electrical inspections. He stated that a Clermont County Commissioner told him that the commissioner spoke to the BBS and was told what they were doing was legal. Mr. Connolly stated that what they are doing is not legal and he wants something done about it. Despite repeated attempts to explain to Mr. Connolly that Clermont County Building Dept. is acting within their jurisdiction he feels that they are not and a simple phone call from the BBS to Clermont County Building Dept. would resolve the problem. Regina Hanshaw advised the public that anyone who has any problems with this issue is invited to attend the next BBS board meeting which is Friday August 19th at 10:00am or the Co-committee meeting which is Thursday August 18th at 12pm.

Rick Binder asked to speak in regards to a recent case brought against him that has since reached a settlement agreement. Mr. Binder read a prepared statement.

Executive Director's Report

Janet Williams presented a list of twelve (12) applicants for salesperson licenses that met the requirements for a salesperson's license.

Action: A motion was made by Marlene Knopsnider and seconded by Tom Rehrig to approve the twelve (12) salesperson applicants listed on the ratification list pending the results of the fingerprinting. The motion passed unanimously.

Janet Williams presented a list of nine (9) applicants for a dealer's license that met the requirements for a dealer's license.

Evan Atkinson inquired as to the differences in requirements for a street dealer versus a dealer located in a manufactured home community. It was explained that the only differences are related to office requirements, hours, parking and sales lot. There are no restrictions placed on a dealer that is licensed under the lesser requirements that would not allow them to sell a home that will not be placed in the community. Evan Atkinson and Ron Younkin stated that was a concern and request that language be looked at to revise the rules on dealers approved under lesser restrictions.

Action: A motion was made by Tom Rehrig and seconded by Rodney Hemming to approve the nine (9) dealer applicants listed on the ratification list pending fingerprint results and completed affidavits. The motion passed unanimously.

Inspectors Report

Gary Whitaker presented the update on the Community Complaints Resolved.

Budget Report

Janet Williams presented the update on the budget as of the current date. Total expense for FY17 is \$109,495 and total revenue to date is \$53,837.12. She also notified the Commissioners that the staff will be reviewing the possibility of increasing the amount paid to inspection agencies for annual park inspections for the 2017 inspection season. A report of the findings will be presented to the Commissioners at a later date.

Community Renewal Report

New count for communities in the state is 1586. The number of unlicensed parks has decreased significantly since the last meeting. We went from 31 parks who were in various stages down to 8. We were able to get 4 parks that were ready for legal action resolved. We now have 1566 parks active and complete. The previous count was 1540.

An update of the abandoned home information was presented in the packet.

Annual Community Inspection Report

Community Inspections have begun. 875 inspections have been completed so far. We have about 700 more inspections yet to be conducted.

Flood Plain Report

All 1586 communities throughout the state were examined to determine if the park or a portion of the park was located within a flood plain. It was determined that there are 223 parks that are located in a floodplain with 3 counties yet to be completed which totals 37 parks. The staff is currently reviewing the seal report to determine if any homes were installed on lots that are located within a flood plain and if so, verifying the flood plain installation standards were met.

Commission Liability of Homes Installed in Flood Plains

Commissioner Zgodzinski requested that the AG's office give an informal opinion on the liability of the Commission if a home is placed in a flood plain. AAG Limbert stated that after reviewing all the information and previous cases relating to this topic it is impossible to give an opinion because it will truly be a case by case matter.

Settlements

Two settlement cases were presented to the Commission as well as an update on a previously approved settlement.

Ohio Certified Inspection Bureau was charged with issuing a permit to an unlicensed installer. They plead guilty and agreed to a \$200 fine.

Action: Regina Hanshaw made a motion to approve the settlement agreement between the Commission and Ohio Certified Inspection Bureau for a \$200 fine. The motion was seconded by Evan Atkinson. The motion passed unanimously.

Brian Feister was charged with installing a home without a license. He plead guilty and agreed to a \$200 fine.

Action: Regina Hanshaw made a motion to approve the settlement agreement between the Commission and Brian Feister for a \$200 fine. Rodney Hemming seconded the motion. The motion passed unanimously.

AAG Limbert updated the Commission that the previously approved settlement offer for Binder's Inspection Agency was agreed to by Mr. Binder and his legal counsel. The settlement agreement was to pay \$15,050 within 60 days of the signing of the agreement by the Chair of the Commission. The remaining \$15,050 shall be suspended upon the following conditions; 1- Within two years of the signature of this agreement by the Chair of the Commission there shall be no violation by Respondent of OAC 4781-7-06, as found by the Commission after a hearing pursuant to RC 4781.121 or by admission of Respondent or 2- Respondent shall not otherwise fail to materially comply with the terms of this agreement. Rick Binder is also required to develop a written policy outlining how he will maintain records of all inspections he conducts and will provide a copy of this policy within 60 days from the day this agreement is signed by the Chair of the Commission. Rick Binder also agrees to implement and to follow this written policy beginning on the day he provides a copy of the policy to the Commission.

Rick Binder did present to the Commission today his outline of maintaining records and his written policy. The staff will review these procedures and follow up with Mr. Binder as needed.

Engineered Drawings

Gary Whitaker presented what is expected to be the final revision of the engineered drawings. All previous requests and modifications were completed.

Action: Tom Rehrig made a motion to accept the drawing as it exists in its final revision. Regina Hanshaw seconded the motion. The motion passed unanimously. The drawing will now be disturbed to all installers and inspection agencies to use as a reference guide.

Trees in a Community, Who has liability

Janet Williams stated that the staff receives numerous calls in regards to trees in communities from residents. There are not rules or laws in place that define the liability of the trees so the staff is unclear on how to advise the callers. After discussion it was determined that it is the right of the park operator to determine the ownership of the trees and or the maintenance of such trees. The park operator has to factor in property insurance requirements along with other business factors to determine how the park operator will handle the situation.

Memo to Inspectors; CE Classes

A memo was sent out to all inspectors and inspection agencies regarding future CE classes. CE Classes will now be separated between installers and inspectors. Inspectors will have their own class and installers will have their own class. The classes are not interchangeable and the licensee must attend the appropriate class required for their license.

Memo to Inspection Agencies; Homes Installed in MH Communities.

During a recent audit of the seal report it was discovered that some inspection agencies were issuing permits to homeowners who were installing homes in a manufactured home community. Therefore a memo was sent reminding agencies that at no time is a homeowner permitted to install a manufactured home in a community.

Memo for Phase 1 No Change rules

A memo was sent out as part of the final step for the Phase 1 No Change rules.

Memo for Phase 2 No Change rules

A memo was sent out as part of the beginning stages for the Phase 2 No Change rules.

Memo for August CE Class

A memo was sent out encouraging inspectors to attend the CE class in August as there were will several important topics covered that all inspectors need to be aware of.

New Business

None

Adjournment:

Action: Motion to adjourn made by Tom Rehrig and seconded by Regina Hanshaw. The motion passed unanimously. Meeting ended at 12:25pm.

Minutes respectfully submitted and certified by Executive Director, Janet M. Williams

Janet M. Williams
Executive Director
Ohio Manufactured Homes Commission

Ron Younkin
Chair
Ohio Manufactured Homes Commission

Ohio Manufactured Homes Commission
November 16, 2016
10:00 AM
5100 Parkcenter Avenue, Suite 103
Dublin, Ohio 43017

Members Present

Ron Younkin, Chair
Evan Atkinson, Vice Chair
Regina Hanshaw
Rodney Hemming
Jim Hauch

Commission Staff

Janet M. Williams, Executive Director
Angel Legge, Program Administrator
Terry Swackhammer, Inspector/Investigator
Gary Whitaker, Inspector/Investigator

Legal Counsel

Christie Limbert, AAG
Brian Honen, AAG

Members Absent

Tom Rehrig
Marlene Knopsnider
Eric Zgodzinski

Guests

Warren Connolly, OCIB
Elaine Gauck, Lake Terrace Park
Andrea Reichman, OMHA

Call to Order

The meeting was called to order at 10:12 AM by Ron Younkin.

Swearing in of Commissioner

Brian Honen, AAG, swore in the newly appointed Commissioner, Jim Hauch, House appointed, representing Owner/Operator of a Manufactured Home Community.

Roll Call

All Commissioners were present with the exception of Eric Zgodzinski, Marlene Knopsnider and Tom Rehrig.

Introduction of new Assistant Attorney General Representative, Brian Honen

Janet Williams informed the Commissioners of the re-assignment of our current AAG, Christie Limbert. Due to the re-assignment of AAG Limbert, the Commission has a new AAG Representative, Brian Honen. The Commission thanked Christie for her service and wished her well. A short bio for AAG Honen was included in the packet.

Approval of the Minutes

Ron Younkin asked for a motion to approve the minutes from the August 17, 2016 meeting.

Action: A motion was made by Evan Atkinson to approve the minutes from the August 17, 2016 meeting. The motion was seconded by Rodney Hemming. The motion passed unanimously.

Public Comment

Warren Connolly wanted to inform the Commission about the working group session he attended at the BBS. He stated that the meeting went well and he feels that positive steps will be taken to better define the jurisdiction between the OMHC and the local building departments in regards to manufactured homes.

Regina Hanshaw confirmed Mr. Connolly's statement and also stated that the co-committee is currently working on rule revisions that will exclude manufactured homes from all aspects of the Ohio Residential Code with the exception of a change in occupancy. However, manufactured homes in parks used as sales/rental offices will be exempt from a commercial status and remain as a residential unit and treated as such. She anticipates the rules going into effect sometime around September of 2017.

Executive Director's Report

Janet Williams informed the Commission of the resignation of Fiscal Specialist Thomas Martin and introduced the new Fiscal Specialist Erika Hackley.

Janet Williams presented a list of thirteen (13) applicants for salesperson licenses that met the requirements for a salesperson's license.

Action: A motion was made by Rodney Hemming and seconded by Jim Hauch to approve the thirteen (13) salesperson applicants listed on the ratification list pending the results of the fingerprinting. The motion passed unanimously.

Janet Williams presented a list of ten (10) applicants for a dealer's license that met the requirements for a dealer's license.

Action: A motion was made by Rodney Hemming and seconded by Jim Hauch to approve the ten (10) dealer applicants listed on the ratification list pending fingerprint results and completed affidavits. The motion passed unanimously.

Janet Williams presented a list of one (1) installer for an installer's license that met the requirements for an installer's license.

Action: A motion was made by Rodney Hemming and seconded by Evan Atkinson to approve the one (1) installer listed on the ratification list. The motion passed unanimously.

Inspectors Report

Gary Whitaker presented the update on the Community Complaints Resolved.

Budget Report

Janet Williams presented the update on the budget as of the current date. Total expense for FY17 is \$338,518

and total revenue to date is \$232,984.53. She also gave a brief summary of the budget and the funds allocated to the Commission for the benefit of the newest Commissioner, Mr. Hauch.

Payment Increase For Community Inspections

As discussed at the last Commission meeting, Janet Williams presented the findings on the payment study for a possible increase to payments to agencies for community inspections. Discussions ensued regarding the quality of the inspections and how much guidance was given to the inspectors conducting the inspections.

Action Regina Hanshaw made a motion to increase the payments made to agencies conducting annual community inspections as proposed on the payment report given to the Commissioners. The motion was seconded by Rodney Hemming. The motion passed unanimously.

Community Renewal Report

The Commissioners were notified that the annual park license renewals were sent out at the end of October along with an updated Abandoned Home Questionnaire. The questionnaire was updated in the hope that park operators would be more forthcoming with the answers.

Annual Community Inspection Report

Community Inspections have been completed. The staff is continuing to work with park operators on compliance with the reports.

Communities in Floodplains/Floodways

Reports were presented to the Commission listing all the parks that are located entirely in a floodplain, partially in a floodplain, and parks with floodways located in them. The concern raised is what if anything can/should be done for homeowners who may be unknowingly living in homes that are located with a floodplain way in a manufactured home park. The decision was made to have a working group session to discuss the matter. The session will be held on February 15, 2017 at 9:00am.

SB 238 and HB 589, Utility Regulations

The Commission was informed of two bills currently being introduced into Congress. The bills are being introduced to regulate the reselling of public utility services. Due to the substantial impact these bills will have on park operators in the State of Ohio, Janet Williams suggested to the Commissioners that they review the bills and express any concerns, comments or questions they may have to the legal counsel for the OMHA.

HUD and Foundations in Freezing Climates

Janet Williams distributed a fact sheet regarding possible federal regulations impacting the installation of manufactured homes throughout the nation. MHCC is currently working with HUD to try to come to an agreement on the matter. Janet Williams will contact the MHCC to ensure that Ohio's voice is heard as well.

Adding Language to the Third Party Contracts

It has been discovered that some third party agencies who contract with the Commission to perform duties on behalf of the Commission are representing themselves or the agency has the Commission. Language will be added

in both the MOUs and the annual contracts for these agencies that will prohibit them from representing themselves or the agency as OMHC employees.

DAS/Antitrust Laws

The Commission was informed of a recent case that came out of the US Supreme Court in regards to federal antitrust laws. The State of Ohio is currently in the process of reforming how boards and commissions operate to ensure that federal antitrust laws are not violated unintentionally. Current language is being introduced to Congress that will affect how certain actions may be imposed. Janet Williams will keep the Commission informed of the process and update them on the direct impact of the Commission once it is known.

Hearing Outcomes

Two hearings were held since the last Commission meeting. Once the respondents have had time to review and object to the findings, they will be presented to the Commissioners for action.

Meeting with Jackson Township Zoning in Seneca County

Janet Williams and Terry Swackhammer met with members of Jackson Township in Seneca County in regards to a manufactured home park located in that township. The zoning board had questions and concerns regarding the maintenance of the property. The staff assured the township that the OMHC who is the authority having jurisdiction over the issues raised by the township would follow up with the park operator and ensure that all items were addressed appropriately.

Boards and Commissions Scorecard for MBE

Janet Williams shared a report received from Minority Business Enterprises (MBE) showing that the Commission was ranked third out of nearly 35 Boards and Commissions in monies spent with MBE businesses.

Louisville MH Show

Janet Williams requested approval for herself, Gary Whitaker, Terry Swackhammer and Angel Legge to attend the Louisville MH Show January 18-20, 2017.

Action Evan Atkinson made a motion, seconded by Rodney Hemming to approve the named staff to travel to the Louisville MH Show January 18-20, 2017. The motion passed unanimously.

Press Release from AG, July 29, 2016

Janet Williams shared a press release by Attorney General Mike DeWine regarding an OMHC licensed installer. According to the press release, effective July 29, 2016, Installer David Marsh is prohibited from entering into consumer transactions or transferring assets until a preliminary injunction hearing is held. The hearing is scheduled for Friday November 18, 2017.

MHARR News

The latest MHARR shipment report shows that new manufactured home shipments across the nation are continuing to increase. Evan Atkinson stated that for Ohio the number of shipments at the end of September was 1206 which is an increase from last year at that time.

Five Most Surprising Features in Today's MH

Janet Williams shared an article with the board that listed the five most surprising features in today's manufactured home according to Bakken.com.

Passing of Installer Jim Elliott

Janet Williams notified the board of the passing of Installer Jim Elliott.

New Business

Gary Whitaker distributed a floodplain foundation design drawing that was done by Mike Cappelletty P.E. Mr. Cappelletty is willing to offer this stamped drawing to all installers in the State of Ohio when installing homes within a manufactured home park and the site is located in a floodplain.

Adjournment:

Action: Motion to adjourn made by Rodney Hemming and seconded by Jim Hauch. The motion passed unanimously. Meeting ended at 1:35pm.

Minutes respectfully submitted and certified by Executive Director, Janet M. Williams

Janet M. Williams

Executive Director

Ohio Manufactured Homes Commission

Ron Younkin

Chair

Ohio Manufactured Homes Commission