

4781-1-01 Name.

The name of this commission is the "Ohio Manufactured Homes Commission" and shall subsequently be referred to as the "commission."

Effective: 12/01/2012

R.C. 119.032 review dates: 10/16/2014

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.02

Prior Effective Dates: 7/5/2005

4781-1-02 Headquarters.

The headquarters for the commission shall be Dublin, Ohio.

Effective: 07/05/2005

R.C. 119.032 review dates: 10/16/2009 and 10/16/2014

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.03, 4781.04

4781-1-03 Members.

In accordance with section 4781.02 of the Revised Code, there shall be nine commission members. Vacancies shall be filled in the manner of the original appointment and pursuant to section 4781.02 of the Revised Code; however, a vacancy on the commission does not impair the authority of the remaining members to exercise all of the commission's powers.

Effective: 07/05/2005

R.C. 119.032 review dates: 10/16/2009 and 10/16/2014

Promulgated Under: 119.03

Statutory Authority: R.C. 4781.04

Rule Amplifies: R.C. 4781.02

4781-2-01 Meetings generally.

All regularly scheduled and special meetings of the commission shall be governed by and conducted in accordance with Ohio's Open Meetings Act, section 121.22 of the Revised Code. The rules and regulations set forth herein below with respect to meetings of the commission shall be equally applicable to meetings of the executive committee or any other committee established by the commission, except as expressly provided otherwise. Meetings shall be governed by Robert's Rules of Order.

Effective: 07/05/2005

R.C. 119.032 review dates: 10/16/2009 and 10/16/2014

Promulgated Under: 119.03

Statutory Authority: R.C. 4781.04

Rule Amplifies: R.C. 4781.03

4781-2-02 Scheduled meetings.

The commission shall meet at least three times each calendar year upon the call of the chairperson or at the written request of a majority of the members. The chairperson shall establish the time and place for each meeting.

Effective: 07/05/2005

R.C. 119.032 review dates: 10/16/2009 and 10/16/2014

Promulgated Under: 119.03

Statutory Authority: R.C. 4781.04

Rule Amplifies: R.C. 4781.03

4781-2-03 Meeting sites.

Meetings of the commission may be convened anywhere within the state of Ohio.

Effective: 12/01/2012

R.C. 119.032 review dates: 10/16/2014

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.02

Prior Effective Dates: 7/5/2005

4781-2-04 Notice of meetings.

(A) To the general public.

Any person may ascertain the date, time, and place of all regularly scheduled meetings, and the date, time, place and purpose of all special meetings, of the commission by:

(1) Writing to the following address: "Ohio Manufactured Homes Commission,

5100 Parkcenter Avenue, Ste. 103, Dublin, Ohio 43017"; or

(2) Calling the following number during business hours (eight a.m. to five p.m.): (614) 734- 6010; or

(3) Visiting the commission's office at the address noted above during normal business hours; or

(4) E-mail or other electronic means.

Any person may, upon payment of an annual fee, if one is established by the commission, have his name placed on a list of persons to be notified of regularly scheduled and special meetings maintained by the executive director. The executive director shall, no later than seven days prior to each meeting, e-mail and agenda of the meeting to such persons.

(B) To media representatives.

A representative of the news media may obtain email notice of commission meetings by requesting in writing, that such notice be provided. Such notice will be given, however, to only one representative of a particular publication or radio or television station. Requests for such notification should be sent to the commission at the address set forth in paragraph (A)(1) of this rule. The request shall provide the name of the individual media representative to be contacted, a mailing address, and a valid e-mail address. The executive director shall maintain a list of all representatives of the news media who have requested to be notified of any commission meetings.

Emergency meetings.

A representative of the news media may obtain e-mail notice of emergency meetings by requesting, in writing, that such notice be provided. The executive director shall maintain a list of all representatives of the news media who have requested to be notified of any emergency meetings.

(C) It shall be the responsibility of any person requesting notice of commission meetings to notify the commission of a change of e-mail address.

(D) In giving notices required by this rule, the executive director may rely on assistance provided by any member of the commission or its staff, and any such notice shall be deemed properly given if provided in the manner stated in this rule.

Effective: 12/01/2012

R.C. 119.032 review dates: 10/16/2014

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.03

Prior Effective Dates: 7/5/2005

4781-2-05 Quorum/Voting.

A quorum shall consist of five members duly appointed to the commission. The affirmative votes of five members present shall be required in order for the commission to take any action. No commission member may participate in any vote regarding a contract or license the commission awards if the member has a direct pecuniary or fiduciary interest in that contract or license. Voting rights may not be exercised by proxy, except as may be otherwise permitted by the Revised Code.

Effective: 07/05/2005

R.C. 119.032 review dates: 10/16/2009 and 10/16/2014

Promulgated Under: 119.03

Statutory Authority: R.C. 4781.04

Rule Amplifies: R.C. 4781.03

4781-3-01 Officers.

The officers of the commission shall be the chairperson and vice-chairperson.

(A) Chairperson and vice-chairperson. The chairperson and vice-chairperson shall be elected annually by the commission at its first meeting held in each calendar year. Such officers shall hold office until the first commission meeting in the following year and their successors are elected and qualified. In the event that the office of chairperson or vice-chairperson is vacated by reason of resignation, removal, or death of the officer, the commission shall convene within thirty days and fill the vacancy by holding a special election. The member elected to fill such office shall serve for the balance of the unexpired term.

(B) Duties of chairperson and vice-chairperson. The chairperson shall preside at all meetings. In the event that the chairperson cannot attend a meeting, the vice-chairperson shall preside in the chairperson's absence. At any time when the chairperson and vice-chairperson are absent from a meeting where a quorum exists, the members present at the meeting shall elect a presiding officer to act during the absence of the chairperson and vice-chairperson.

Effective: 07/05/2005

R.C. 119.032 review dates: 10/16/2009 and 10/16/2014

Promulgated Under: 119.03

Statutory Authority: R.C. 4781.04

Rule Amplifies: R.C. 4781.03

4781-4-01 Administration; Executive Director.

(A) Executive director. The commission may employ an executive director, who is not in the classified civil service, to serve at the pleasure of the commission to carry out duties and functions the commission authorizes. The executive director shall perform the following duties:

- (1) With commission approval, secure and manage office space, supplies, and the professional and clerical staff necessary to effectively perform the executive director's and the commission's duties;
- (2) Pursuant to the rules the commission adopts, review applications for manufactured homes installer licenses and on behalf of the commission, issue licenses to qualified persons;
- (3) Administer the dispute resolution program the commission develops in the event that the commission does not contract with the Ohio Manufactured Homes Association or other entity to administer the program;
- (4) Administer any continuing education program the commission develops;
- (5) Collect the fees the commission establishes;
- (6) Except as provided in (A)(2) and (3) of section 4781.04 of the Revised Code, employ installation inspectors and investigators to serve at the executive director's pleasure to assist in carrying out the executive director's duties under this chapter of the duties the commission delegates to the executive director;
- (7) Serve as secretary of the commission and maintain a written record of the commission meetings and proceedings, including keeping minutes of commission meetings and attendance of members who attended such meetings;
- (8) Serve as custodian of all records of the commission, and see that all books, records, statements, and other documents required by law to be maintained are properly maintained;
- (9) Notify manufactured homes installers of changes in the applicable code section and the rules of the commission; and
- (10) Perform in general all duties the commission requests or delegates for the administration and general enforcement of these rules and enacting statutes.

(B) Establishment of committees. The commission may establish from time-to-time such standing and ad hoc committees as the commission members deem appropriate to facilitate the commission's business.

Effective: 07/05/2005

R.C. 119.032 review dates: 10/16/2009 and 10/16/2014

Promulgated Under: 119.03

Statutory Authority: R.C. 4781.04

Rule Amplifies: R.C. 4781.05

4781-5-01 Public Hearings.

(A) The procedure of the commission for giving public notice for the adoption, amendment, or rescission of its rules shall be pursuant to section 119.03 of the Revised Code. The commission shall provide a copy of a notice to any person who requests a copy in writing and who pays a reasonable fee, not to exceed the cost of copying and mailing.

(B) At least thirty days prior to the date set for the public hearing, the commission shall give public notice by publication in the Register of Ohio. Such notice shall include:

(1) A statement of the commission's intention to consider the adoption, amendment, or rescission of a rule;

(2) A synopsis of the proposed rule, amendment, or rule to be rescinded or a general statement of the subject matter to which the proposed rule, amendment, or rescission relates;

(3) A statement of the reason or purpose for adopting, amending, or rescinding the rule; and

(4) The date, time, and place of the hearing on the proposed action.

(C) The commission shall furnish the public notice required under section 119.03 of the Revised Code and as described in paragraph (A) of this rule to any person who requests a copy of such notice in writing and who pays a reasonable fee, not to exceed the cost of copying and mailing.

(D) Prior to the effective date of the rule, amendment, or rescission, the commission shall make a reasonable effort to inform those affected by the rule, amendment, or rescission and to have available for distribution to those requesting it the full text of the rule as adopted, amended, or rescinded.

Effective: 07/05/2005

R.C. 119.032 review dates: 10/16/2009 and 10/16/2014

Promulgated Under: 119.03

Statutory Authority: R.C. 4781.04

Rule Amplifies: R.C. 4781.04

4781-6-01 Installation of new manufactured homes.

(A) General

(1) Chapter 4781-6 of the Administrative Code is designated as the "Model Manufactured Home Installation Standards." The model manufactured home installation standards as adopted under by the department of housing and urban development pursuant to 42 USC 3535, 42 USC 5403, 42 USC 5404, and 42 USC 5424 dated October 19, 2007, and as set forth in 24 CFR 3285 dated October 19, 2007, as the adoption date of this rule is incorporated fully as if set out at length herein but as altered with additions, substitutions, and deletions indicated in this rule.

(2) The provisions of the model manufactured home installation standards shall apply to the installation, construction, use and occupancy, and location of every new manufactured home installed in the state on private property or in a manufactured home park.

(3) The intent of this rule is to establish uniform requirements for the installation of new manufactured homes on private property or in a manufactured home park.

(4) Where, in any specific case, different parts of this rule specify different materials, methods of installation, or other requirements, the most restrictive shall govern. Where there is a conflict between the general requirement and the specific requirement, the specific requirement shall be applicable.

(5) Exceptions:

(a) Wood footings or wood foundations as provided in 24 CFR 3285.312(a)(2) dated October 19, 2007, shall be prohibited in the installation of a manufactured home;

(b) Footings shall be twenty-eight day compressive strength of three thousand pounds per square inch (psi) instead of the twelve hundred as provided in 24 CFR 3285.312(a)(1)(i) dated October 19, 2007;

Effective: 06/02/2011

R.C. 119.032 review dates: 10/01/2014

Promulgated Under: 119.03

Statutory Authority: 4781.04, 4781.07

Rule Amplifies: 4781.04, 4781.07, 4781.14

Prior Effective Dates: 01/01/2010

4781-6-02 Installation standards for used manufactured homes.

(A) General.

(1) Administration.

(a) Scope.

These installation standards provide minimum requirements for the initial installation of used or relocated mobile or manufactured homes and shall apply to the installation and occupancy of mobile and manufactured homes in Ohio. This includes "HUD units" and "pre HUD units."

(b) Purpose.

The purpose of Chapter 4781-6 of the Administrative Code is to provide minimum requirements to safeguard the public safety, health and general welfare through affordability, structural strength, means of egress facilities, stability, sanitation, and safety to life and property from fire and other hazards attributed to the built environment. The requirements for used or relocated manufactured homes set forth in rule 4781-6-02 of the Administrative Code may be exceeded by a home owner or installer, but no authority having jurisdiction shall require a homeowner or installer to exceed rule 4781-6-02 of the Administrative Code except where specifically permitted under Chapter 4781-6 of the Administrative Code.

(c) Applicability.

Where in any specific case, different sections of rule 4781-6-02 of the Administrative Code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(d) Rule 4781-6-02 of the Administrative Code shall apply to any installation of any used or relocated manufactured homes for use as a residence. Rule 4781-6-01 of the Administrative Code shall apply to any installation of an used or relocated manufactured home unless specifically set forth in rule 4781-6-02 of the Administrative Code.

(e) Partial invalidity.

In the event any part or provision of rule 4781-6-02 of the Administrative Code is held to be unlawful or void this shall not have the effect of making void or unlawful any of the other parts or provisions of rule 4781-6-02 of the Administrative Code.

(f) Existing structures.

The legal occupancy of any structure existing on the date of the adoption of rule 4781-6-02 of the Administrative Code shall be permitted to continue without change, except as is specifically covered in rule 4781-6-02 of the Administrative Code, or as is deemed necessary by the authority having jurisdiction for the general safety and welfare of the occupants and the public.

(g) Additions, alterations, replacement or repairs to existing installation or foundation systems.

Prior to the performance of work, the authority having jurisdiction shall determine if the existing foundation system can support the load of the used manufactured home. The foundation system shall also conform to rule 4781-6-02 of the Administrative Code. If greater than fifty per cent is to be replaced or repaired, the entire installation or foundation system shall conform to the requirements for a used manufactured home and Additions, alterations or repairs shall not cause a used manufactured home to become unsafe or adversely affected.

(h) Alternate products, equipment and materials used during the installation of a used manufactured home that have been approved by the Ohio board of building standards and are not mentioned in rule 4781-6-02 of the Administrative Code and not expressly prohibited in Chapter 4781. of the Revised Code or the rules promulgated thereunder this rule may be approved for use on the installation of a used manufactured homes by the authority having jurisdiction when used in accordance with the products, equipment and materials listing and labeling. Products, equipment and material to be installed in association with the installation of manufactured homes which have not been approved by the board of building standards shall be approved in advance of their use by the commission.

(i) If rule 4781-6-02 of the Administrative Code is silent on the installation of a manufactured home that includes accessory buildings or structures, those optional elements shall be constructed in a manner consistent with the residential code of Ohio. The inspection of these optional elements does not fall under the jurisdiction of the commission, but rather the board of building standards.

Installers must contact the authority having jurisdiction to perform the inspection on these optional elements. Commission certified third party inspection agencies and certified health departments are not authorized to perform the inspections on these optional elements.

(2) Installation instructions.

(a) Manufacturer's instructions.

The installer shall install the used manufactured home in accordance with the manufacturer's installation manual. If there is not a manufacturer's installation manual for the installation of a used manufactured home, the installer shall install the used manufactured home in accordance with rule 4781-6-02 of the Administrative Code or in accordance with NFPA 225 2005 edition.

(b) Variations to installation instructions.

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 (such as areas that are subject to flood damage or high seismic risk) or other conditions that prevent the use of the instructions or this rule, the installer shall obtain special site-specific instructions from the manufacturer or use a design by an Ohio registered professional engineer or registered architect for the support and anchorage of the manufactured home.

(3) Alterations during initial installations.

Additions, modifications, replacement or removal of any equipment that affects the installation of a

used manufactured home shall meet or exceed the requirements of these installation standards, the MHCSS, 24 C.F.R. 3280, and the "Manufactured Home Procedural and Enforcement Regulations" 24 C.F.R. 3282. An alteration shall not affect the ability of the basic manufactured home to comply with the MHCSS and the alteration shall not impose additional loads to the manufactured home or its foundation unless the alteration is included in the manufacturer's DAPIA-approved designs and installation instructions, or is designed by an Ohio registered professional engineer or architect in accordance with the manufactured home design and with MHCSS.

Effective: 12/01/2012

R.C. 119.032 review dates: 10/01/2014

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.04

Prior Effective Dates: 9/15/2006, 1/1/2010, 6/2/11

4781-6-03 Reference publications and definitions for installation of new and used manufactured homes.

(A) Referenced publications

(1) In addition to any referenced publication in any rule in Chapter 4781-6 of the Administrative Code, the specifications, standards, and codes of the following organizations are incorporated by reference as though set forth in full in any rule in Chapter 4781-6 of the Administrative Code.

(2) Any standard incorporated by reference shall have the same force and effect as the installation standards set forth in Chapter 4781-6 of the Administrative Code, except that wherever reference standards are in conflict with any rule of Chapter 4781-6 of the Administrative Code, the requirements of the rules in Chapter 4781-6 of the Administrative Code prevail to the extent of the conflict.

(3) Where the enforcement of an installation standard would violate the conditions of the listing of equipment or appliance, the conditions of the listing and manufacturer's installation instructions shall apply.

(4) The abbreviations and addresses of organizations issuing the referenced standards appear in this paragraph. Reference standards that are not available from their producer organizations may be obtained from the "Office of Manufactured Housing Programs, Room 9164, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW Washington, DC 20410."

(a) "Air Conditioning Contractors of America (ACCA), 2800 Shirlington Road, Suite 300, Arlington, VA 22206. ACCA Manual J, Residential Load Calculation, eighth edition."

(b) "The Engineered Wood Association, (APA) 7011 South Nineteenth Street, Tacoma, Washington 98411, (253) 565-6600, facsimile (253) 565-7265. PS-1-95, Construction and Industrial Plywood (with typical APA trademarks), 1995 edition."

(c) "American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE), 1791 Tullie Circle, NE, Atlanta, GA 30329-2305. ASHRAE Handbook of Fundamentals, 1997 inch-pound edition."

(d) "American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959. ASTM C 90, Standard Specification for Load Bearing Concrete Masonry Units, 2002. ASTM D 1586, Test Method for Penetration Test and Split-Barrel Sampling of Soils, 1999. ASTM D 2487, Practice for Classification of Soils for Engineering Purposes (Unified Soil Classification System), 2000. ASTM D 2488, Practice for Description and Identification of Soils (Visual-Manual Procedure), 2000. ASTM D 3953, Standard Specification for Strapping, Flat Steel and Seals, 1997."

(e) "American Wood-Preservers' Association (AWPA), P.O. Box 388, Selma AL 36702. AWPA M4-02, "Standard for the Care of Pressure Treated Wood Products, 2002. AWPA U1-04, Use Category System; User Specification for Treated Wood, 2004."

(f) "Federal Emergency Management Administration (FEMA), 500 C Street, SW, Washington D.C. 20472. FEMA 85 / September 1985, Manufactured Home Installation in Flood Hazard Areas, 1985."

(g) "Manufactured Homes Construction and Safety Standards, revised April 1, 1995 (MHCSS). Department of Housing and Urban Development (HUD), Manufactured Housing Standards Division, Office of Manufactured Housing and Regulatory Functions, Room 9152, 451 Seventh Street, S.W., Washington, DC 20410."

(h) "National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, MA 02169-7471. NFPA 31, Standard for the Installation of Oil Burning Equipment, 2001. NFPA No. 70, National Electrical Code, 2000. NFPA 501A, Standard for Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities, 2009 edition."

(i) "Structural Engineering Institute/American Society of Civil Engineers (SEI/ASCE), 1801 Alexander Bell Dr., Reston, VA 20191. SEI/ASCE 32-01, Design and Construction of Frost Protected Shallow Foundations, 2001."

(j) "Underwriters Laboratories (UL), 333 Pfingsten Road, Northbrook, Illinois 60062. UL 181, Factory Made Air Ducts and Connectors, 1996 with 1998 revisions. UL 181A, Standard for Safety Closure Systems for use with Rigid Air Ducts and Air Connectors, 1994, with 1998 revisions. UL 181B, Standard for Safety Closure Systems for use with Flexible Air Ducts and Air Connectors, 1995, with 1998 revisions."

(B) Definitions

In addition to the definitions contained in the model manufactured home installation standards, the following definitions apply to the installation standards for the installation of new, used, or relocated manufactured homes. Where terms are not included, common usage of the term applies. The definitions are as follows:

(1) "Accessible" means able to approach, access a fixture, connection, appliance, or equipment. Access shall be permitted to require the removal of an access panel, door or similar obstruction.

(2) "Accessibility" means the removal of architectural barriers for the purpose of providing access to persons with disabilities.

(3) "Accessory building or structure" means any structure that supports its own load and is established for use of the occupant of the manufactured home specifically including, but not limited to, storage sheds, garages, basements, awnings, carports, decks, steps and ramps.

(4) "Air conditioner" means all equipment intended or installed for the purpose of processing the treatment of air so as to control simultaneously its temperature, humidity, cleanliness, and distribution to meet the requirements of the conditioned space. This includes "comfort cooling equipment."

(5) "Alteration" means any change, addition, repair conversion, replacement, modification or removal of any equipment or installation which may affect the operation, construction, installation or occupancy of a manufactured home.

(6) "Anchor assembly" means any device or other means designed to transfer home anchoring loads to the ground.

(7) "Anchoring equipment" means ties, straps, cables, turnbuckles, chains, and other approved components, including tensioning devices that are used to secure a manufactured home to the ground or foundation.

(8) "Anchoring system" means a combination of anchoring equipment and anchor assemblies that will, when properly designed and installed, resist the uplift, overturning, and lateral forces on the manufactured home, and on its support and foundation system.

(9) "Approved," when used in connection with any material, appliance or installation or on-site construction, means complying with the requirements of the Ohio manufactured homes commission. For new manufactured home factory construction, approved means complying with the requirements of the MHCSS.

(10) "Arid region" means an area subject to fifteen inches or less of annual rainfall.

(11) "Attached garage" means a garage which is designed to be structurally independent of a manufactured home but may be attached to a manufactured home in accordance with rule 4781-6-02 of the Administrative Code.

(12) "Authority having jurisdiction" means the commission certified agencies given authority to review plans, issue permits, and perform inspections in accordance with Chapter 4781. of the Administrative Code. The Ohio manufactured homes commission has statewide authority pursuant to Chapter 4781. of the Revised Code with regard to the installation of manufactured homes. Some counties and municipalities may have authority with regard to local zoning ordinances or other regulations outside the coverage of rules 4781-6-01 and 4781-6-02 of the Administrative Code.

(13) "Base flood" means a flood having a one percent chance of being equaled or exceeded in any given year.

(14) "Base flood elevation" (BFE) means the elevation of the base flood, including wave height, relative to the datum specified on an authority having jurisdiction's flood hazard map.

(15) "Bonding" means the permanent joining of metallic parts to form an electrically conductive path that will ensure electrical continuity and the capacity to conduct safely any current likely to be imposed.

(16) "Building drain" means that part of the lowest piping of a drainage system which receives the discharge from soil, water-borne waste, and other drainage pipes inside the walls of the manufactured home and conveys it to the building sewer.

(17) "Building sewer" means that part of the horizontal piping of a drainage system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to a public sewer, private sewer, individual sewage disposal system or other point of disposal.

(18) "Building supply" means the pipe carrying potable water from the water meter or other source of water supply to a building or other point of use or distribution on the lot. Building supply shall also mean the water service.

- (19) "Carport" means a stationary structure consisting of a roof with its supports and not more than one wall, or storage cabinet substituting for a wall, and used for sheltering motor vehicles.
- (20) "Chassis" means the entire transportation system comprising the following subsystems: drawbar and coupling mechanism, frame, running gear assembly, and lights.
- (21) "Clearance" means the minimum allowable distance between two adjacent surfaces or points.
- (22) "Comfort cooling certificate" means a certificate permanently affixed to an interior surface of the home specifying the factory design and preparations for air conditioning the manufactured home.
- (23) "Commission" means the Ohio manufactured homes commission.
- (24) "Concealed" means rendered inaccessible by the structure or finish of the manufactured home or accessory building.
- (25) "Construction" means the arrangements and methods of building including, but not limited to, fire and life safety, electrical, plumbing and mechanical equipment and systems within a manufactured home which are typically performed and inspected at the manufacturer's factory.
- (26) "Crossovers" means utility interconnections in multi-section homes that are located where the sections are joined. Crossover connections include heating and cooling ducts, electrical circuits, and water pipes, drain plumbing, and gas lines.
- (27) "Deck" means a self-supporting, outside walking area greater than thirty-six square feet in area, having a floor that is elevated more than eight inches above grade. The deck shall be constructed in accordance with the residential code of Ohio; except for decks which are an integral part of the home and built at the factory as part of the manufactured home the MHCSS shall apply.
- (28) "Design Approval Primary Inspection Agency" (DAPIA) is a state or private organization that has been accepted by the HUD secretary in accordance with the requirements of part 3282, subpart H, which evaluates and approves or disapproves manufactured home designs and quality control procedures.
- (29) "Designed foundation system" means a foundation system designed by an Ohio licensed or registered Ohio architect or professional engineer or a foundation system designed by the manufactured home's DAPIA regardless of the state of registration or licensing of the DAPIA.
- (30) "Diagonal tie" means a tie intended primarily to resist horizontal or shear forces, but which may secondarily resist vertical, uplift, and overturning forces.
- (31) "Drain" means a pipe that carries waste, water, or water-borne waste in a drainage system.
- (32) "Drain connector" means the removable extension, consisting of all pipes, fittings and appurtenances from the drain outlet to the drain inlet serving the manufactured home.
- (33) "Drain outlet" means the lowest end of the drain to which a sewer connection is made.

(34) "Drainage system" means all piping within or attached to the home that conveys sewage or other liquid waste to the drain outlet, not including the drain connector.

(35) "Engineered foundation system" means a certified and approved engineered system of prefabricated foundation supports installed to manufacturer's installation instructions.

(36) "Egress" means a path or opening for going out of a building, dwelling, home, or manufactured home.

(37) "Factory built porch" means an exterior porch, deck, or landing, including roof, built by the manufactured home manufacturer and shipped with the manufactured home.

(38) "Feeder assembly" means the overhead or under-chassis feeder conductors, including the grounding conductor, together with the necessary fittings and equipment, or a power supply cord approved for manufactured home use, that are designed for the purpose of delivering energy from the source of electrical supply to the distribution panel board within the manufactured home.

(39) "Fill" means a deposit of materials intended to raise an existing grade and includes, but is not limited to, the following types:

(a) "Engineered fill" means fill over twelve inches in depth placed in layers of soil, crushed stone or masonry waste material, free of expansive soils and organic materials, compacted and tested according to accepted engineering practices to insure that it meets the required load bearing capacity and specified compaction standards as determined by laboratory tests of soil samples from the fill material.

(b) "Non-engineered approved fill" means fill of twelve inches or less in depth consisting of soil, crushed stone or masonry waste material, free of expansive soils and organic materials, compacted with two passes of a vibrating compacting machine.

(c) "Uncompacted fill" means fill which may include soil, crushed stone, masonry waste material, expansive soils, and organic materials, or is of unknown content, and does not meet the definitions of engineered or non-engineered, approved fill.

(d) Fill does not include the six inches of gravel required on some manufactured home stands.

(40) "Flood hazard area" means the greater of either: the special flood hazard area shown on the flood insurance rate map; or the area subject to flooding during the design flood and shown on an authority having jurisdiction's flood hazard map, or otherwise legally designated.

(41) "Flood hazard map" means a map delineating the flood hazard area and adopted by an authority having jurisdiction.

(42) "Footing" means that portion of the support system that transmits loads directly to the soil.

(43) "Frame" means the fabricated, rigid substructure which provides permanent support to the affixed manufactured home structure above the frame, both during transport and on-site; and also provides a platform for securement of the running gear assembly, the draw bar and the coupling mechanism.

(44) "Foundation" means the basis or base which a wall or structural support stands, is founded, or supports footings on solid ground.

(45) "Frost Depth" means the maximum approved depth to which frost penetrates the earth in a specific climatic region which is determined by the local authority having jurisdiction.

(46) "Gas supply connector" means a listed flexible connector designed to connect the manufactured home to the gas supply source.

(47) "Grade" has the following meanings:

(a) "Grade" as it relates to plumbing means the fall (slope) of a pipe in reference to a horizontal plane expressed in inches per foot length.

(b) "Grade" as it relates to the earth means the finished soil level adjoining the home at all exterior walls.

(48) "Grounded" means connected to earth or to some conducting body that serves in place of the earth.

(49) "Ground anchor" means a specific anchoring assembly device designed to transfer manufactured home anchoring loads to the ground.

(50) "Ground level installation" means a manufactured home with a below-grade foundation system and a perimeter retaining wall or foundation which is back filled against it.

(51) "HUD Act" means the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 - 5426.

(52) "Inspection Primary Inspection Agency" (IPIA) means a state or private organization that has been accepted by the secretary of HUD to evaluate the ability of manufactured home manufacturers to follow approved quality control procedures and provide ongoing surveillance of the manufacturing process.

(53) "Inspector" means a commission certified inspector. An commission certified inspector has the right to inspect the installation of a manufactured home and any elements that deal with installation of a manufactured home that are under the jurisdiction of the commission. An inspector also has the right to conduct plans reviews. Any new construction, other than the foundations of the home and the means of egress such as stairs, landings, handrails, ramps, platforms and guard rails, electrical and plumbing connections, are not under his jurisdiction for inspection such as basements, garages, sheds, carports, and room additions are not the inspector's jurisdiction unless specifically indicated in the manufacturer's installation manual for that specific home installation.

(54) "Installation" shall have the same meaning as set forth in divisions (B)(1) to (B)(4) of section 4781.01 of the Revised Code, and, in relation to construction, is performed at a location away from the manufacturer's factory. The leveling of the home on a foundation system defines the commencement of the installation and/or set-up.

(55) "Installation permit" means the legal right to install a manufactured home that is obtained by paying for all fees prescribed by law prior to commencement of any work required to install a manufactured home. This permit is a legal paper document issued by the authority having jurisdiction upon receiving payment in full.

(56) "Installation standards or standards" means the installation standards established in Chapter 4781. of the Revised Code and the rules promulgated thereunder for the installation of new and used manufactured or mobile homes, when the manufacturer's installation instructions are not obtainable, at the place of occupancy, to ensure proper siting, the joining of all sections of the home, and the installation of stabilization, support, or anchoring systems.

(57) "Installer" means any individual licensed by the commission to create footings, install, set-up connect, hook-up, block, tie-down, secure, level, support, install steps, install skirting, or makes electrical, plumbing, or mechanical connections to manufactured homes, or who provides consultation or supervision for any of these activities.

(58) "Labeled" means a label, symbol, or other identifying mark of a nationally recognized testing laboratory, inspection agency, or other organization concerned with product evaluation that maintains periodic inspection of production of labeled equipment or materials, and by whose labeling is indicated compliance with nationally recognized standards or tests to determine suitable usage in a specified manner.

(59) "Landing" means a self-supporting outside walking area equal or less than thirty-six square feet in an area and having a floor that is elevated more than eight inches above grade. No landing shall be less than the dimension of the door that swings over the landing. Every landing shall have a minimum dimension of twenty-four inches in the direction of travel.

(60) "Listed" means included in a list published by a nationally recognized testing laboratory, inspection agency, or other organization concerned with product evaluation that maintains periodic inspection of production of listed equipment or materials, and whose listing states either that the equipment or material meets nationally recognized standards or has been tested and found suitable for use in a specified manner.

(61) "Lot" means any space area or tract of land or portion of a manufactured home park which is designated or used for occupancy by one manufactured home.

(62) "Lowest floor" means the floor of the lowest enclosed area of a manufactured home. An unfinished or flood resistant enclosure, used solely for vehicle parking, home access or limited storage, shall not be considered the lowest floor, provided the enclosed area is not constructed so as to render the home in violation of the flood-related provisions of this rule.

(63) "Manufactured home" has the same meaning as in division (C) of section 3781.06 of the Revised Code.

(64) "Manufactured Home Construction and Safety Standards" (MHCSS) means the manufactured home construction and safety standards established in part 3285 of the HUD Act pursuant to section 604 of the HUD Act, 42 U.S.C. 5403.

(65) "Manufactured home gas supply connector" means a listed connector designed for connecting the manufactured home to the gas supply source.

(66) "Manufactured home site" means a designated parcel of land designed for the installation of one manufactured home for the exclusive use of the occupants of the home.

(67) "Manufacturer's installation instructions" means DAPIA-approved instructions provided by the home manufacturer that accompany each new manufactured home and detail the home manufacturer requirements for support and anchoring systems, and other work completed at the installation site.

(68) "Means of egress" means a continuous and unobstructed path of vertical and horizontal egress travel from any occupied portion of a building, structure, dwelling, home, or manufactured home to a public way or open place of safety.

(69) "Mobile home" means a manufactured home constructed prior to 1976. For the purposes of these installation standards, an installation requirement for a manufactured home is also a requirement for a mobile home.

(70) "Noncompliance" means that the manufactured home does not comply with MHCSS, the manufactured home's installation manual, these rules or the residential building code.

(71) "Permit" see "Installation permit".

(72) "Person" has the same meaning as in section [1.59](#) of the Revised Code and also includes this state, any political subdivision of this state, and any other state or local body of this state.

(73) "Pier" means that portion of the support system between the footing and the manufactured home, exclusive of shims.

(74) "Plenum" means an air compartment that is part of an air-distribution system to which one or more ducts or outlets are connected.

(75) "Porch" means a self-supporting, outside, covered, walking area having a floor that is elevated more than eight inches above grade.

(76) "Ramada" means any freestanding roof or shade structure, installed or erected above a manufactured home or any portion thereof, which may also extend over a patio or parking space and is used principally for protection from snow, sun or rain.

(77) "Readily accessible" means direct access without the necessity of removing any panel, door, or similar obstruction.

(78) "Recessed porch" means an open floor area supported by the main frame, is located outside the exterior walls of the manufactured home and may be enclosed by a roof, three or less walls, screening or glass.

(79) "Regulator" means either "pressure regulator" means a device placed in a gas line for reducing controlling and maintaining the pressure that portion of the piping system downstream of the device or

"service regulator" means a pressure regulator installed by the serving gas supplier to reduce and limit the service line gas pressure to the delivery pressure.

(80) "Repair" means the reconstruction or renewal of any part of an existing manufactured home or piece of equipment for the purpose of its maintenance.

(81) "Replacement in kind" means replacing equipment or accessories with approved like equipment or accessories, such as switches, thermostats, fittings, elements or motors but does not include the replacement of major portions of the structural, plumbing, electrical, or mechanical system.

(82) "Running gear assembly" means the subsystem consisting of suspension springs, axles, bearings, wheels, hubs, tires, and brakes with their related hardware.

(83) "Secretary" means the secretary of housing and urban development (HUD) or an official of HUD delegated the authority of the secretary with respect to the HUD Act.

(84) "Service equipment" means the equipment containing the disconnecting means over current protective devices and receptacles or other means for connecting a manufactured home feeder assembly.

(85) "Setbacks" - see paragraph (A)(2) of rule 4781-6-02.1 of the Administrative Code.

(86) "Set up" - see "Installation." The leveling of the home on a foundation system defines the commencement of the installation and/or set-up.

(87) "Shim" shall mean a thin tapered piece of approved material, including hardwood, corrosion resistant metal, or abs plastic, used to fill gaps and to level a manufactured home. A shim shall be a minimum nominal four inches by six inches by one inch thick. Shims shall be used in pairs in opposing directions not to exceed one inch in height. Pressure treated shims shall not be used in direct contact with I-beams or other metals.

(88) "Site" means a designated parcel of land designed to accommodate a manufactured home, its accessory structures or buildings and accessory equipment for the exclusive use of the occupants.

(89) "Skirting" means a weather-resistant material used at the perimeter of the manufactured home to enclose the space under the living area of the home, from the bottom of the manufactured home to grade.

(90) "Stabilizing devices" means all components of the anchoring and support systems, such as piers, footings, ties, anchoring equipment, anchoring assemblies, or any other equipment, materials and methods of construction, that support and secure the manufactured home to the ground.

(91) "Stand" means that area of the manufactured home site which has been reserved for the placement of a manufactured home. In manufactured home parks, pursuant to paragraph (M) of rule 3701-27-01 of the Administrative Code, a manufactured home stand is called a manufactured home lot.

(92) "State" means the state of Ohio.

(93) "Support system" means pilings, columns, footings, piers, foundation walls, shims, and any combination thereof that, when properly installed, support the manufactured home.

(94) "Tie" or "tie down" means straps, cable, or securing devices used to connect the manufactured home to anchoring assemblies.

(95) "Ultimate load" means the absolute maximum magnitude of load that a component or system can sustain, limited only by failure.

(96) "Utilities" means the water, sewer, gas, or electrical services provided on a lot for a manufactured home.

(97) "Utility connection" means the installation and connection of the manufactured home to utilities that include, but are not limited to electricity, water, sewer, gas, or fuel oil.

(98) "Vertical tie" means a tie intended to resist uplifting and overturning forces.

(99) "Water distribution system" means potable water piping within, or permanently attached to the manufactured home.

(100) "Wind zone" means the areas designated on the "Basic Wind Zone Map" as further defined in section 3285.405 of the 2003 edition of the model manufactured home installation standards that delineate the wind design load requirements as determined by the fastest mile wind speed (miles per hour) within each area. In wind zone 1, the horizontal design wind load shall not be less than fifteen psf and net uplift load shall not be less than nine psf.

(101) "Working load" means the maximum recommended load that may be exerted on a component or system determined by dividing the ultimate load of a component or system by an appropriate factor of safety.

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.04

4781-6-03.1 Pre-installation considerations.

(A) Site safety considerations

(1) Distances. Fire separation distances shall be in accordance with the requirements of chapter six of NFPA 501A, 2003 edition, or the ordinances of the authority having jurisdiction whichever is most stringent. In manufactured home parks, the commission separation standards as set forth in rules 4781-12-08 and 4781-12-08.1 of the Administrative Code shall govern.

(2) Set back measurement. Setback distances are measured from the lot line or the edge of the road to the eaves, awning carport , attached porch, or accessory building or to a deck or other combustible element of the home which projects out the furthest. In manufactured home parks, setbacks shall be measured in accordance with Chapter 4781-12-08 of the Administrative Code.

(3) Fire separation distances shall be in accordance with the requirements of Chapter 6 of NFPA 501A, 2005 edition or the requirements of the local authority having jurisdiction or the manufacturer installation manual.

(B) Installation of manufactured homes in flood hazard areas

(1) Definitions. Except to the extent otherwise defined in rule 4781-6-02 of the Administrative Code, the terms use in these standards are as defined in 44 C.F.R. 59.1 (Feb. 8, 1984) of the "National Flood Insurance Program" ("NFIP") regulations.

(2) Applicability. The provisions of this rule apply to the initial installation of new or used manufactured homes. All manufactured homes located where there is a local floodplain authority shall be installed in accordance with the local floodplain authority rules, ordinances or resolutions.

(3) Pre-installation considerations. Prior to the initial installation of a new or used manufactured home, the installer is responsible to determine whether the manufactured home site lies wholly or partly within a special flood hazard area as shown on the authority having jurisdiction's "Flood Insurance Rate Map", Flood Boundary and Floodway Map," or "Flood Hazard Boundary Map." If so located, and before an installation method is agreed upon, the map and supporting studies adopted by the authority having jurisdiction shall be used to determine the flood hazard zone and base flood elevation at the site.

(4) General elevation and foundation requirements

(a) Methods and practices. Manufactured homes located wholly or partly within special flood hazard areas shall be installed on foundations engineered to incorporate methods and practices that minimize flood damage during the base flood, in accordance with the requirements of the authority having jurisdiction, the floodplain authority, FEMA 85, 44 C.F.R. 60.3(a) to (e) (Feb. 8, 1984), other provisions of 44 C.F.R. 60 referenced by those paragraphs, Chapter 1521. of the Revised Code, and division 1501:22 of the Administrative Code.

(b) Related guidance. Refer to FEMA 85 /September 1985, "Manufactured Home Installation in Flood Hazard Areas," 1985 and the local floodplain authority.

(C) Design zone maps. The design zone maps are those identified in the MHCSS

(1) Wind zone. Manufactured homes shall not be installed in a wind zone that exceeds the design wind loads for which the home has been designated, as evidenced by the wind zone indicated on the home's data plate. The design wind zone in Ohio is zone one; homes designed for wind zone one, wind zone two, or wind zone three are acceptable. In wind zone 1, the horizontal design wind load shall not be less than fifteen per square foot (psf) and the net uplift shall not be less than nine per square foot (psf).

(2) Roof load zone. Manufactured homes shall not be located in a roof load zone that exceeds the design roof load for which the home has been designed as evidenced by the roof load zone indicated on the home's data plate. Refer to rule 4781-6-02.3 of the Administrative Code for special snow load conditions. The design snow load in Ohio shall not be less than twenty pounds per square foot (psf).

(3) Thermal zone. New manufactured homes shall not be installed in a thermal zone that exceeds the thermal zone for which the home has been designed as evidenced by the thermal zone indicated on the heating/cooling certificate and insulation zone map. The manufacturer may provide the heating/cooling information and insulation zone map on the home's data plate. The design thermal zone in Ohio is thermal zone three. Manufactured homes designed for thermal zone one shall not be installed in Ohio. Used manufactured homes can be thermal zone two homes.

(4) A mobile home manufactured prior to July 1, 1974 shall be exempt from the requirement to provide thermal, wind and roof load information.

(5) A manufactured home built prior to July 1, 1974 shall be exempt from the requirement to provide thermal information.

(D) Moving manufactured home to location.

Refer to rule 4781-6-02.9 of the Administrative Code.

(E) Permits and alterations and on-site structures

Refer to rule 4781-6-02.9 and Chapter 4781-7 of the Administrative Code

Replaces: 4781-6- 02.1

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.04

Prior Effective Dates: 9/15/2006, 1/1/2010, 6/2/2011

4781-6-03.2 Site preparation.

(A) Soil conditions

To help prevent settling or sagging, the foundation shall be constructed on firm, undisturbed soil or fill compacted to at least ninety per cent of its maximum relative density. In any site, all organic material such as grass, roots, twigs, and wood scraps shall be removed from the underneath of the manufactured home and in areas where footings are to be placed. In an existing site, all organic material such as grass, roots, twigs, and wood scraps shall have been removed in areas where footings were placed. The home site shall be graded or otherwise prepared to ensure adequate drainage in accordance with this rule.

(B) Soil classifications and bearing capacity.

The soil classification and bearing capacity of the soil shall be determined before the foundation is constructed and anchored. The soil classification and bearing capacity shall be determined by one or more of the following methods:

- (1) Soil tests. Soil tests that are in accordance with generally accepted engineering practice;
- (2) Soil records. Soil records of the applicable authority having jurisdiction;
- (3) Soil classifications and bearing capacities. If the soil class or bearing capacity cannot be determined by test or soil records, but its type can be identified, the soil classification, allowable pressures, and torque values shown in the following table may be used;

Soil Classification Table 2.1 of 4781-6-03.2

Soil Classification No.	Soil Classification ASTM D2487 or D2488	Soil Description	Allowable Bearing Pressure (psf)	Blow Count ASTM D1586	Anchor Torque Probe Value ^a (inch-pounds)
1		Rock or hard pan	4000+		
2	GW, GP, SW, SP, GM, SM	Sandy gravel and gravel; very dense and/or cemented sands; coarse gravel; cobbles; preloaded silts; clays and coral.	2000	40+	(^b)
3	GC, SC, ML, CL	Sand; silty sand; clayey sand; silty gravel; medium dense coarse sands; sandy gravel; and very stiff silt, sand clays	1500	24-39	351-650
4A	CG, MH ^c	Loose to medium dense sands; firm to stiff clays and silts; alluvial fills	1000	18-23	276-350
4B	CH, MH ^c	Loose sands; firm clays; alluvial fills	1000	12-17	175-275
5	OL, OH, PT	Uncompacted fill; peat; organic clays	(^d)	0-11	(^e)

Notes

1. The values provided in this Table have not been adjusted for overburden pressure, embedment depth, water table height, or settlement problems.
2. For soils classified as CH or MH, without either torque probe values or blow count test results, selected anchors must be rated for a 4B soil.
3. The torque test probe is a device for measuring the torque value of soils to assist in evaluating the holding capacity of the soil in which the ground anchor is placed. The shaft must be of suitable length for the full depth of the ground anchor.
4. The torque value is a measure of the load resistance provided by the soil when subject to the turning or twisting force of the probe.
5. Less than 175.
6. More than 550.
7. Refer to 47B1-6-02 (B)(5)

(4) The pocket penetrometer and ground auger torque tests shall be completed in accordance with proper test procedures and under proper testing conditions for use with auger style ground anchors; or

(5) If the soil appears to be composed of peat, organic clays, or uncompacted fill, or appears to have unusual conditions, a registered professional geologist, registered professional engineer, or registered architect must determine the soil classification and maximum allowable soil bearing capacity.

(C) Site drainage.

(1) Purpose. Drainage shall be provided to direct surface water away from the home and to prevent water build-up under the home and all vegetation shall be removed from the underneath of the manufactured home.

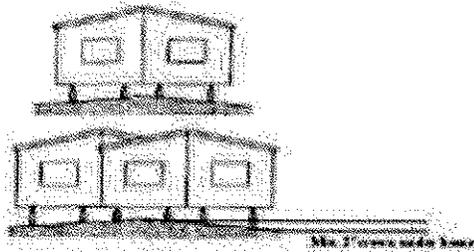
(2) The home site shall be graded as shown in figure 2A of rule 4781-6-02.2 of the Administrative Code, or other methods, such as a drain tile and automatic sump pump system, shall be provided to remove any water that may collect under the home.

(3) All drainage shall be diverted away from the home and shall slope a minimum of one-half inch per foot away from the foundation for the first ten feet. Where property lines, walls, slopes, or other physical conditions prohibit this slope, the site shall be provided with drains or swales or otherwise graded to drain water away from the structure.

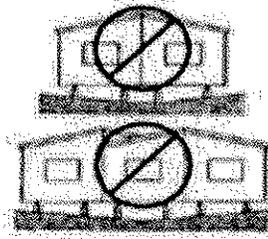
(4) Sloped site considerations. The home, where sited, shall be protected from surface runoff from the surrounding area.

(5) Refer to paragraph (B)(3) of rule 4781-6-02.9 of the Administrative Code regarding the use of drainage structures to drain surface runoff.

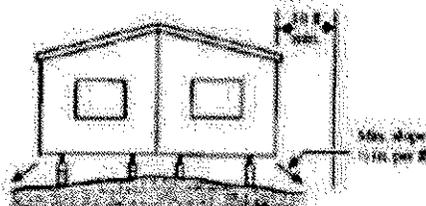
Site Grading Figure 2A



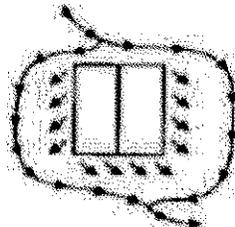
Correct and grade site to slope away from the home.
Maximum crown of 2" under the home.



Do not grade site or set the home so water collects beneath the home.



Home sites must be prepared so that there will be no depressions in which surface water may accumulate beneath the home. The area of the site covered by the manufactured home must be graded, sloped or designed to provide drainage from beneath the home or to the property line.



Natural drainage must be directed around and away from the home.

(6) Gutters and downspouts. If gutters and downspouts are installed, the runoff shall be directed a minimum of eighteen inches away from the home.

(7) Prohibited drainage. Roof drains and downspouts shall not be connected to the foundation system. They shall be independent and not interconnected.

(8) Concrete and masonry foundations. Drains shall be provided around all concrete or masonry foundations that retain earth and enclose habitable or usable spaces located below grade or unused spaces which are in wet areas. Drainage tiles, gravel or crushed stone drains, perforated pipe or other approved systems or materials shall be installed below the area to be protected and shall discharge by gravity or mechanical means to drain away from the home or into an approved drainage system. A drainage system is not required when the foundation is installed on well-drained ground or sand-gravel mixture soils according to standard soils classification. An additional interior drainage system may be required in especially wet areas.

(9) Concrete and masonry foundation damp-proofing. Foundation walls that retain earth and enclose habitable or useable spaces located below grade or unused spaces which are in wet areas shall be damp-proofed from the top of the footing to the finished grade. Except, a foundation shall not be required to be damp-proofed where a supplemental interior foundation drainage system is tied to a sump pump.

(10) Where a concrete or masonry wall is used, the crawlspace or basement slabs shall have a foundation drain that shall be separate from the perimeter drain until the point of discharge by gravity or mechanical means into an approved drainage system.

(D) Ground moisture control.

(1) Vapor retarder. If the space under the home is to be enclosed with solid skirting or other solid materials, a vapor retarder shall be installed on the ground, to cover the ground under the home. If the space under the home is to be enclosed with vented perforated skirting or other perforated materials, vapor retarder is not required.

(2) Vapor retarder material. A minimum of six mil polyethylene sheathing or its equivalent shall be used.

(3) Proper installation.

(a) The entire area under the home shall be covered with the vapor retarder as noted in this rule except for areas under open porches, decks, and open recessed entries. Joints in the vapor retarder shall be overlapped at least twelve inches and sealed.

(b) The vapor retarder may be placed directly beneath footings, or otherwise installed around or over footings placed at grade, and around anchors or other obstructions.

(c) Any voids or tears in the vapor retarder shall be repaired.

(d) Where a masonry exterior perimeter wall is installed, two inches of crushed stone, clean washed gravel or its equivalent shall cover the vapor barrier or be covered by the vapor barrier.

Replaces: 4781-6- 02.2

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.04

Prior Effective Dates: 9/15/2006, 1/1/2010, 6/2/2011

4781-6-03.3 Foundations.

(A) General.

(1) Foundations for manufactured home installations shall be designed and constructed in accordance with this subpart and shall be based on site conditions, home design features, and the loads the home was designed to withstand as shown on the home's data plate.

(2) Foundation systems that are not pier and footing type configurations may be used when verified by engineering data and designed in accordance with this rule and consistent with the design loads of the MHCSS. Pier and footing specifications, that are different than those provided in this rule, such as block size, metal piers, section width, loads, and spacing, may be used when verified by engineering data that comply with this rule and are capable of resisting all design loads of the MHCSS.

(3) Details, plans, and test data shall be designed and certified by an Ohio registered professional engineer or registered architect, and shall not take the home out of compliance with the MHCSS.

(4) Alternative foundation systems. Alternative foundation systems or designs are permitted when they do not take the home out of compliance with MHCSS and when they are in accordance with either of the following:

(a) Engineered foundation systems or designs shall be manufactured and installed in accordance with their listings by a nationally recognized testing agency based on a nationally recognized testing protocol; or

(b) System designs shall be prepared by an Ohio registered professional engineer or a registered architect in accordance with acceptable engineering practice.

(B) Flood hazard areas.

(1) In flood hazard areas, the foundation, anchoring and support systems shall be capable of resisting loads associated with design flood and wind events, and homes shall be installed on foundation supports that are designed and anchored to prevent floatation, collapse or lateral movement of the structure. The manufactured home shall be installed in accordance with the manufacturer's instructions where available. If the foundation system being used is not covered by the manufacturer's instructions, the foundation system shall be designed by an Ohio registered professional engineer or registered architect.

(2) Where manufacturer's installation instructions do not address flood loads or flood hazard areas, the requirements of the authority having jurisdiction, the floodplain authority. FEMA 85. 44 C.F.R. 60.3(a) to (e) (Feb. 8. 19841 other provisions of 44 C.F.R. 60 referenced by those paragraphs. Chapter 1521. of the Revised Code, and division 1501:22 of the Administrative Code shall govern.

(C) Piers.

(1) General. The piers used shall be capable of transmitting the vertical live and dead loads to the footings or foundation.

(2) Acceptable piers, materials specification.

(a) Piers are permitted to be concrete blocks; hardwood or other listed and approved shims, spacers or caps or with pressure-treated wood shims, spacers or caps with a water borne preservative, in accordance with American wood preserver's association (AWPA) "Standard UI for Use Category 4B" ground contact applications; or adjustable metal or concrete piers.

(b) Manufactured piers shall be listed or labeled for the required vertical load capacity, and, where required by design, for the appropriate horizontal load capacity. Manufactured piers shall be installed with an approved footing and in accordance with their listing or pier manufacturer's installation instructions.

(3) Design requirements.

(a) Load bearing capacity. The load bearing capacity for each pier shall be designed to included consideration for the dimensions of the home, the design dead and live loads, the spacing of the piers, and the way the piers are used to support the home.

(b) Center beam/mating wall support shall be required for multi-section homes and designs shall be consistent with tables 3.2 and 3.3 of this rule and figures 3E. 3F and 3G of this rule.

(4) Pier loads.

(a) Design support configurations and footing sizes for the pier loads, pier spacing, and roof live loads shall be in accordance with tables 3.1. 3.2. and 3.3 and the MHCSS. Other pier and footing designs are permitted in accordance with the provisions of Chapter 4781. of the Revised Code.

Table 3.1 – Frame Blocking Only/Perimeter Support Not Required At Openings

Pier Spacing	Roof Live Load (psf)	Location	Load (lb)
4 ft 0 in.	20	Frame	2900
	30	Frame	3300
	40	Frame	3600
6 ft 0 in.	20	Frame	4200
	30	Frame	4700
	40	Frame	5200
8 ft 0 in.	20	Frame	5500
	30	Frame	6200
	40	Frame	6900
10 ft 0 in.	20	Frame	6800
	30	Frame	7600
	40	Frame	8500

Notes:

1. See 4781-6-02.3(2)(e) and (f) for cast-in-place footing design using the noted loads.
2. Table 3.1 is based on the following design assumptions: maximum 16 ft. nominal section width (15 ft actual width), 12" eave, 10" I-beam size, 300 lb. pier dead load, 10 psf roof dead load, 6 psf floor dead load, 35 plf wall dead load, and 10 plf chassis dead load.
3. Interpolation for other pier spacing is permitted.
4. The pier spacing and loads shown in the above Table do not consider flood or seismic loads and are not intended for use in flood or seismic hazard areas. In those areas, the foundation support system is to be designed by a professional engineer or architect.

Table 3.2 – Frame Pile Perimeter Blocking/Perimeter Support Not Required At Overlays

Maximum Pier Spacing	Roof Live Load (psf)	Location	Load (lbs)	Maximum Pier Spacing	Roof Live Load (psf)	Location	Load (lbs)
4 ft 0 in	20	Frame	1,400	8 ft 0 in	20	Frame	2,400
		Perimeter	1,900			Perimeter	3,500
		Mating	3,500			Mating	6,100
	30	Frame	1,800		30	Frame	2,400
		Perimeter	2,300			Perimeter	4,200
		Mating	3,800			Mating	7,300
	40	Frame	1,400		40	Frame	2,400
		Perimeter	2,000			Perimeter	4,800
		Mating	4,400			Mating	8,300
6 ft 0 in	20	Frame	1,900	10 ft 0 in	20	Frame	2,900
		Perimeter	2,700			Perimeter	4,300
		Mating	4,700			Mating	7,600
	30	Frame	1,900		30	Frame	2,900
		Perimeter	3,200			Perimeter	5,100
		Mating	5,600			Mating	9,100
	40	Frame	1,900		40	Frame	2,900
		Perimeter	3,700			Perimeter	6,000
		Mating	6,500			Mating	10,600

Notes for Table 3.2

1. Use 4781-6-02.3(2)(a) and (c) for cast-in-place footing design by using the noted loads.
2. Mating wall perimeter piers and footings only required under full height masonry with supporting roof loads.
3. Table 3.2 is based on the following design parameters: maximum 18 ft nominal diameter shaft (24 ft pile cap width), 12" spcs, 10' 1" diam. dia. 100 lb per sq ft load, 10 psf roof dead load, 0 psf floor dead load, 50 psf roof live load, and 10 psf design dead load.
4. Interpolation for other pier spacing is permitted.
5. The pier spacing and loads shown in the above Table do not consider fixed or external loads and are not intended for use in flood or seismic hazard areas. In those areas, the foundation support system is to be designed by an Ohio registered professional engineer or architect.

Table 3.3 – Ridge Beam Span Footing Capacity

Mating Wall Opening (ft)	Roof Live Load (psf)	Pier and Footing Load (lb)
5	20	1,200
	30	1,600
	40	1,900
10	20	2,300
	30	3,100
	40	3,800
18	20	3,300
	30	4,700
	40	5,800
20	20	4,700
	30	6,200
	40	7,500
25	20	5,800
	30	7,800
	40	9,700
30	20	7,000
	30	9,300
	40	11,600
35	20	8,100
	30	10,900
	40	13,600

Notes

- See 4781-6-02.3(2)(e) and (f) for cast-in-place footing design by using the noted loads.
- Table 3.3 is based on the following design assumptions: maximum 16 ft. normal section width (15 ft. actual width), 10" I-beam size, 300 lb. pier dead load, 10 psf roof dead load, 6 psf floor dead load, 15 plf wall dead load, and 10 plf chassis dead load.
- Loads listed are maximum column loads for each section of the manufactured home.
- Interpolation for maximum allowable pier and column loads is permitted for mate-line openings between those shown in the Table.
- The pier spacing and loads shown in the above Table do not consider flood or seismic loads and are not intended for use in flood or seismic hazard areas. In those areas, the foundation support system must be designed by an Ohio registered professional engineer or registered architect.

(b) Manufactured piers shall be rated at least to the loads required to safely support the dead and live loads as required by this rule and the installation instructions for those piers shall be consistent with tables 3.1, 3.2 and 3.3 of this rule.

(D) Pier configuration.

(1) Concrete blocks. Installation instructions for concrete block piers shall be developed in accordance with the following provisions and shall be consistent with figures 3 A and 3B of this rule.

(a) Load-bearing concrete blocks meeting ASTM C-90 shall be used and shall have nominal dimensions of at least eight inches by eight inches by sixteen inches and an average net area minimum compressive strength for three units of nineteen hundred psi;

(b) The concrete blocks shall be stacked with their hollow cells aligned vertically; and

(c) When piers are constructed of blocks stacked side by side, each layer shall be at right angles to the preceding one, as shown in figure 3B of this rule.

(2) Caps.

(a) Structural loads shall be evenly distributed across capped hollow block piers, as shown in figures 3 A and 3B of this rule.

(b) Caps shall be solid concrete or masonry at least four inches in nominal thickness, or hardwood lumber at least two inches nominal in thickness; or be corrosion-protected minimum one-half inch thick steel; or be of other listed materials. ACQ treated lumber shall not have direct contact with I-beams. Roofing felt, six mil plastic, or equal may be used as a barrier between ACQ caps and the I-beam.

(c) All caps shall be of the same length and width as the piers on which they rest.

(d) When split caps are used on double-stacked blocks, the caps shall be installed with the long dimension across the joint in the blocks below.

(3) Gaps. Any gaps that occur during installation between the main chassis beam and foundation support system shall be filled.

(a) Nominal four inch by six inch by one inch shims are permitted to be used to level the home and fill any gaps between the base of the main chassis beam and the top of the pier cap.

(b) Shims shall be used in pairs as shown in figures 3 A and 3B of this rule and shall be driven in tightly so that they do not occupy more than one inch of vertical height.

(c) Hardwood plates no thicker than two inches nominal in thickness or four inches nominal concrete block must be used to fill any remaining vertical gaps.

(d) Gap fill materials, not made of masonry, shall not exceed three inches, by a combination of nominal two by eight wood block and one set of one inch wood wedges or shims.

(4) Manufactured pier heights. Manufactured pier heights shall be selected so that the adjustable risers do not extend more than two inches when finally positioned.

(E) Clearance under homes.

(1) A minimum clearance of twelve inches shall be maintained between the lowest member of the main frame (I-beam or channel beam) and the grade under all areas of the home. No more than twenty-five per cent of the lowest member of the main frame of the home shall be less than eighteen inches above grade.

(2) A minimum clearance of eight inches shall be maintained between the bottom of the lowest wood frame member and the exterior grade.

(F) Design procedures for concrete block piers.

(1) Frame piers less than thirty-six inches high.

(a) Frame piers less than thirty-six inches high shall be permitted if constructed of single, open, or closed-cell concrete blocks, eight inches by eight inches by sixteen inches, when the design capacity of the block is not exceeded.

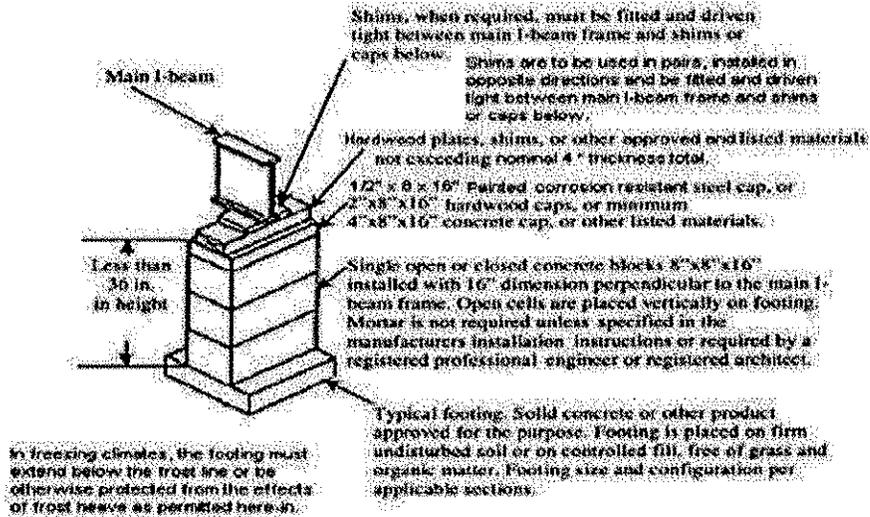
(b) The frame piers shall be installed so that the long sides are at right angles to the supported I-beam, as shown in figure 3 A of this rule.

(c) The concrete blocks shall be stacked with their hollow cells aligned vertically and shall be positioned at right angles to the footings.

(d) Horizontal offsets from the top to the bottom of the pier shall not exceed one-half inch.

(e) Mortar is not required unless specified in the installation instructions or required by an Ohio registered professional engineer or registered architect. Where mortar is required, minimum type S mortar shall be used.

Figure 3A - Typical Footing and Pier Installation, Single Concrete Block.



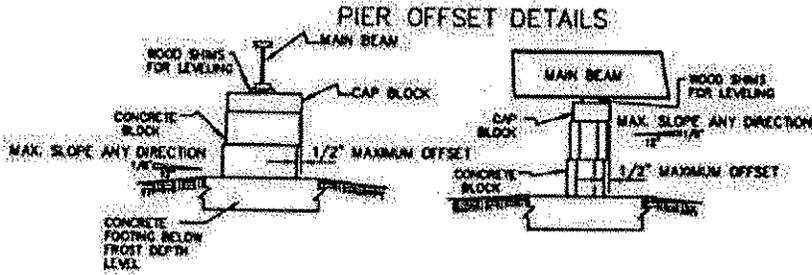
(2) Frame piers thirty-six inches to sixty-seven inches high and corner piers.

(a) All frame piers between thirty-six and sixty-seven inches high and corner piers over three blocks high shall be constructed out of double, interlocked concrete blocks as shown in figure 3B of this rule, when the design capacity of the block is not exceeded. Mortar is not required for concrete block piers unless otherwise specified in the installation instructions or required by an Ohio registered professional engineer or registered architect. Where mortar is required minimum type S mortar shall be used.

(b) Horizontal offsets from the top to the bottom of the pier shall not exceed one-half inch.

(3) Pier tolerances. Piers shall be plumb and level with tolerances per figure 3D of this rule.

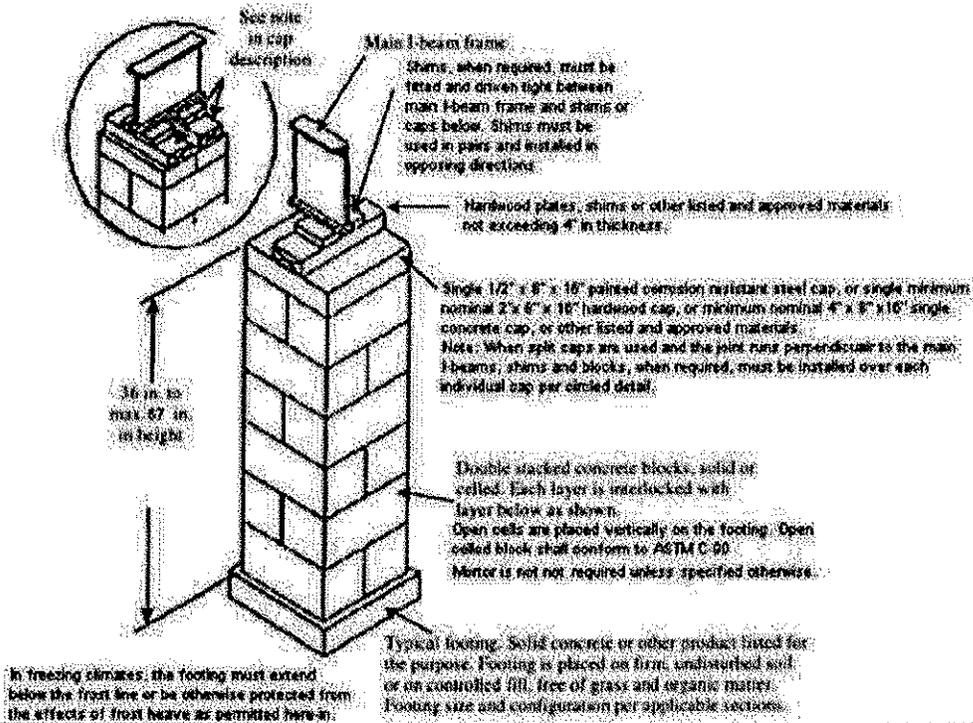
Figure 3D - Pier Offset Details



Notes:

1. Footing must be large enough to allow for full contact between the blocks and the footing.
2. All footings shall have a minimum thickness of 8" and must extend below the local frost line or have equivalent frost heave protection.

Figure 3B - Typical Footing and Pier Installation, Double Stack Concrete Block



(4) All piers over sixty-seven inches high. Unless the manufacturer's installation instructions specifically contains a design, piers over sixty-seven inches high shall be designed by an Ohio registered professional engineer or registered architect in accordance with acceptable engineering practice. Mortar is not required for concrete block piers unless otherwise specified by the design. Where mortar is required, minimum type S mortar shall be used.

(G) Perimeter support piers

(1) Piers required at mate-line supports, perimeter piers, and piers at exterior wall openings shall be permitted to be constructed of single open-cell or closed-cell concrete blocks, with nominal dimensions of eight inches by eight inches by sixteen inches, to a maximum height of fifty-four inches, as shown in figure 3A of this rule, when the design capacity of the block is not exceeded.

(2) Piers used for perimeter support shall be installed with the long dimension parallel to the perimeter rail.

(H) Manufactured piers.

Manufactured piers shall be listed and labeled and installed to the pier manufacturer installation instructions. See this rule for additional requirements.

(I) Piers over sixty-seven inches high.

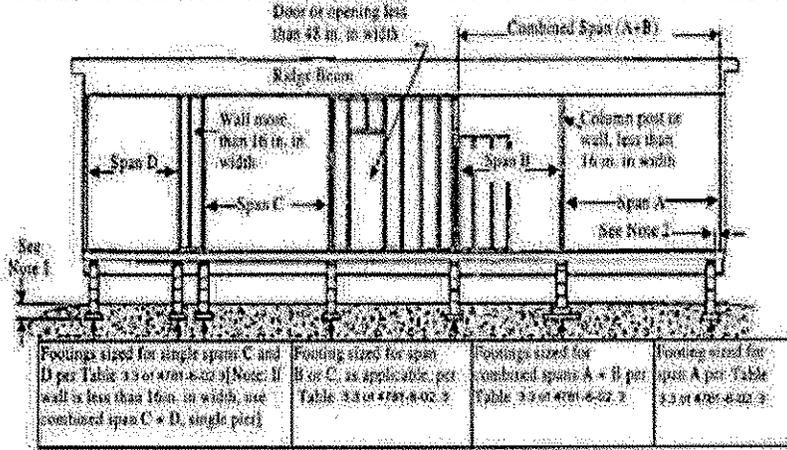
Piers over sixty-seven inches high must be designed by an Ohio registered professional engineer or registered architect, in accordance with acceptable engineering practice.

(J) Pier location and spacing.

(1) The location and spacing of piers depends upon the dimensions of the home, the live and dead loads, the type of construction (single- or multi-section! I-beam size, soil bearing capacity, footing size, and such other factors as the location of doors or other openings.

(2) Mate-line and column pier supports shall be in accordance with this rule and consistent with figures 3E to 3G of this rule.

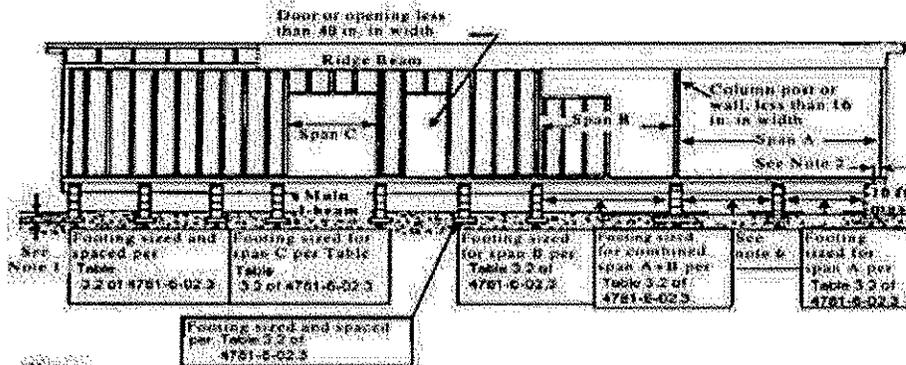
Figure 3E - Typical Mate-line Column Pier and Mating Wall Support When Frames Only Blocking Is Required.



Notes

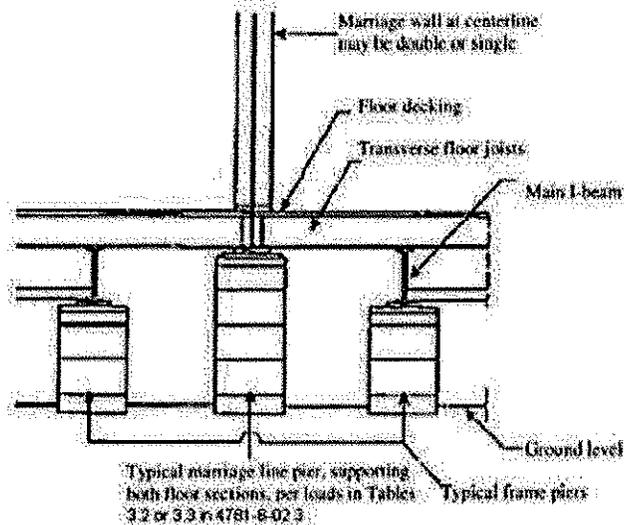
1. Bottom of footings must extend below frost line depth unless designed for placement above the frost line.
2. Piers may be offset up to 6" in either direction along the supported members to allow for plumbing, electrical, mechanical, equipment, or workspace access, or other devices.
3. Single stack concrete block pier loads must not exceed 8,000 lbs.
4. Prefabricated piers must not exceed their approved or listed maximum vertical or horizontal design loads.
5. When a full-height mating wall does not support the ridge beam, this area is considered an unsupported span- span B.
6. Piers are not required at openings in the mating wall that are less than 48" in width. Place piers on both sides of mating wall openings 48" or greater in width. For roof loads of 40psf or greater, an Ohio registered engineer or architect must determine the maximum mating wall openings permitted without pier or other supports.

Figure 3F - Typical Mate-line Column Pier and Mating Wall Support When Mated-line Blocking Is Required.



Notes

1. Bottom of footings must extend below frost line depth unless designed for placement above the frost line.
2. Piers may be offset up to 6" in either direction along the supported members to allow for plumbing, electrical, mechanical, equipment, or workspace access, or other devices.
3. Single stack concrete block pier loads must not exceed 8,000 lbs.
4. Prefabricated piers must not exceed their approved or listed maximum vertical or horizontal design loads.
5. When a full-height mating wall does not support the ridge beam, this area is considered an unsupported span- span B.
6. Piers are not required at openings in the mating wall that are less than 48" in width. Place piers on both sides of mating wall openings 48" or greater in width. For roof loads of 40psf or greater, an Ohio registered engineer or architect must determine the maximum mating wall openings permitted without pier or other supports.

Figure 3G - Typical Mate-line Column Pier and Mating Wall Support When Perimeter Blocking Is Required**Notes:**

1. Mate-line column support piers are installed with the long dimension of the concrete block perpendicular to the rim joists.
2. Pier and footing designed to support both floor sections. Loads as listed in Table 3.3 of 4781-6-02.3 are total column loads for both sections.

(3) Piers supporting the frame shall be no more than twenty-four inches from both ends and not more than ninety-six inches from center to center under the main rails. If the piers supporting the frame is more than ninety-six inches, but not more than one hundred twenty inches, from the center to center under the main rails, the increased dimensions shall be approved by an Ohio professional engineer or registered architect or in accordance with the manufactured installation manual.

(4) Pier support locations. Pier support locations and spacing shall be presented to be consistent with figures 3H and 3I of this rule, as applicable, unless alternative designs are provided by a professional engineer or registered architect in accordance with acceptable engineering practice.

(K) Required perimeter supports. Perimeter pier or other supports shall be located as follows:

(1) On both sides of side wall exterior doors (such as entry, patio, and sliding glass doors[^]) and any other side wall openings of forty-eight inches or greater in width, and under load-bearing porch posts, factory installed fireplaces, and wood stoves.

(2) Other perimeter supports shall be:

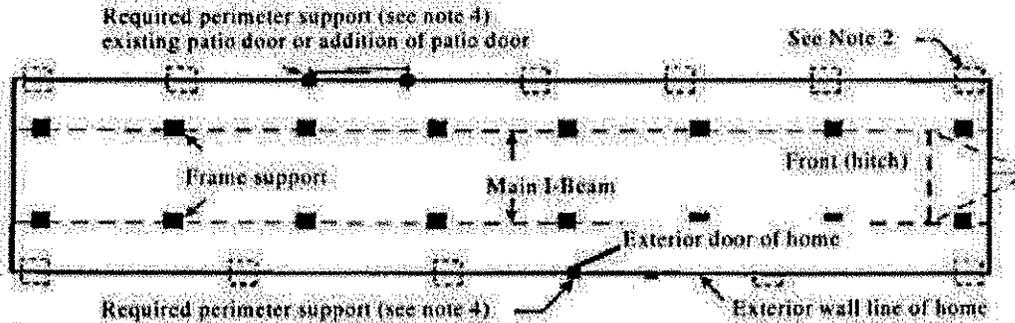
(a) Located in accordance with table 3.2 of this rule.

(b) Provided by other means such as additional outriggers or floor joists. When this alternative is used, the designs required by this rule shall consider the additional loads in sizing the pier and footing supports under the main chassis beam.

(L) Footings.

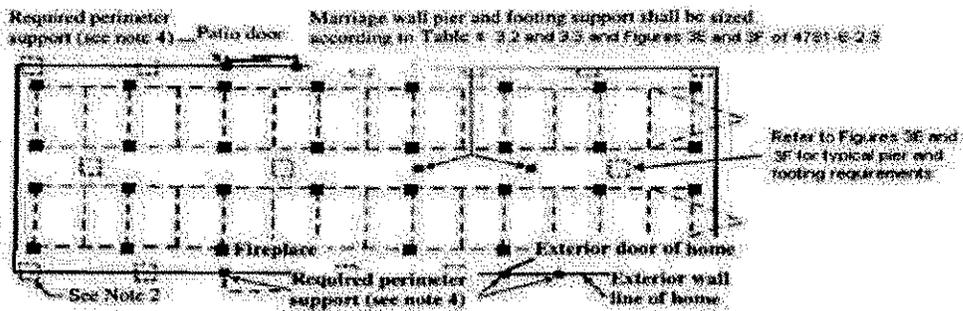
(1) Materials approved for footings shall provide equal load-bearing capacity and resistance to decay as required by this rule. Footings shall be placed on undisturbed soil or fill compacted to ninety per cent of maximum relative density. A footing shall support every pier.

Figure 3H - Typical Blocking diagram for Single Section Homes



Notes:

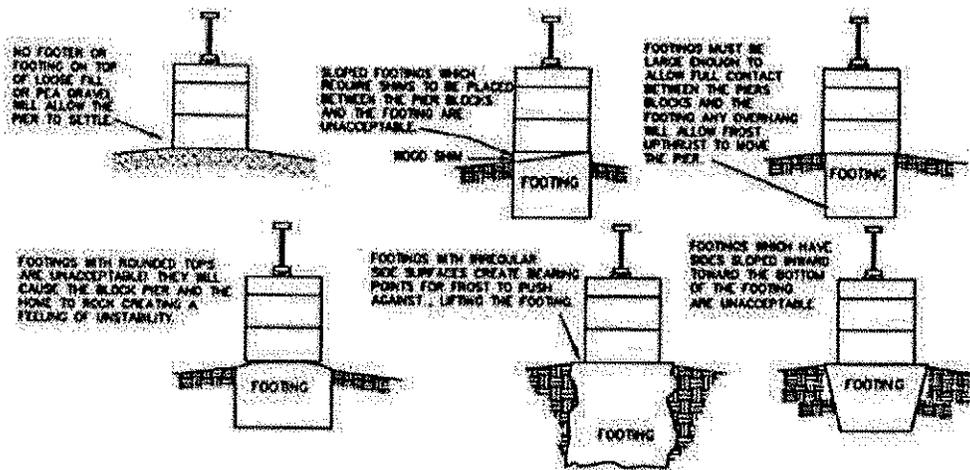
1. Refer to Table 5.2 of 4781-6-2.3 for pier and footing requirements when frame blocking only is used.
2. In addition to blocking required by 4781-6-02.50() refer to Table 5.2 of 4781-6-2.3.
3. End piers under main I-beams may be set back a maximum of 24 in. as measured from the outside edge of the floor to the center of the pier.
4. Place piers on both sides of sidewall exterior doors, patio doors, and sliding glass doors; under porch posts, factory installed masonry fireplaces and wood stoves; under jamb studs at multiple window openings; and at any other sidewall openings 48" or greater in width. See 4781-6-2.3 for additional requirements and for locating perimeter supports.

Figure 31 - Typical Blocking Diagram for Multi-section Home.**Notes:**

1. Refer to Table 3.1 for pier and footing requirements when frame blocking only is used.
2. In addition to blocking required by 4781-6-2.3 refer to Table 4-3.2 and 3.3 of 4781-6-2.3.
3. End piers under main I-beams may be set back a maximum of 24 in. as measured from the outside edge of the floor to the center of the pier.
4. Place pier on both sides of sidewall exterior doors, patio doors, and sliding glass doors, under porch posts, factory-installed masonry fireplaces, and wood stoves, under jank studs at multiple window openings, and at any other sidewall openings of 48 inches or greater in width. See 4781-6-2.3 for additional information on requirements for locating perimeter supports.
5. When an end pier under the main line also serves as a column pier, it may be set back a maximum of 6 in. as measured from the inside edge of the exterior wall to the center of the pier.

(2) Acceptable types of footings.**(a) Concrete. Footings are to be either:**

- (i) Four inch nominal precast concrete pads meeting or exceeding "ASTM C 90-02. Standard Specification for Load Bearing Concrete Masonry Units." without reinforcement, with at least a twenty-eight day compressive strength of three thousand pounds per square inch (psi);
- (ii) Six inch minimum poured-in-place concrete pads, slabs, or ribbons with at least a twenty-eight day compressive strength of three thousand pounds per square inch (psi). Cast-in-place concrete footings may also require reinforcing steel based on acceptable engineering practice, the design loads, and site specific soil conditions. Poured footings shall be level and screeded smooth; or
- (iii) Footing tolerances. Improper footings as illustrated in figure 3J shall not be approved.

Figure 3J - Improper Footing Details

(b) Engineered plastic composite footing pads.

(i) Engineered plastic composite footing pads shall be permitted if used in accordance with the manufacturer installation instructions and/or specification sheet of the specific engineered plastic composite pad being used. The use of engineered plastic composite pads must be used in conjunction with solid perimeter skirting in accordance with paragraphs (D)(1) to (D)(4) and (E)(1) to (E)(6) of rule 4781-6-02.5 of the Administrative Code.

(ii) Engineered plastic composite footing pads shall be listed or labeled for the required load capacity and installed in accordance with their listing.

(c) Placement in freezing climates. Footings placed in freezing climates shall be designed using methods and practices that prevent the effects of frost heave by one of the following methods:

(i) Conventional footings shall be placed below the frost line depth for the site unless an insulated foundation or monolithic slab is used in this rule. When the frost line depth is not available from the authority having jurisdiction, a registered professional engineer, registered architect, or registered geologist shall be consulted to determine the required frost line depth for the manufactured home site.

(ii) Monolithic slab systems. A monolithic slab may be permitted above the frost line when all relevant site-specific conditions including soil characteristics, site preparation, ventilation, and insulative properties of the under floor enclosure are considered and anchorage requirements as set for in rule 4781-6-02.4 of the Administrative Code and the monolithic slab system shall be designed by an Ohio registered professional engineer or registered architect:

(a) In accordance with acceptable engineering practice to prevent the effects of frost heave; or

(b) In accordance with ASCE/SEI 32-01. The design shall accommodate the anchorage requirements set out in rule 4781-6-02.4 of the Administrative Code.

(iii) Insulated foundations. An insulated foundation shall be permitted above the frost line, when all relevant site-specific conditions including soil characteristics, site preparation, ventilation, and insulative properties of the under floor enclosure are considered and the foundation is designed by an Ohio registered professional engineer or registered architect:

(a) In accordance with acceptable engineering practice to prevent the effects of frost heave: or

(b) In accordance with ASCE/SEI 32-01. The design shall accommodate the anchorage requirements set out in rule 4781-6-02.4 of the Administrative Code.

(d) Sizing of footings. The sizing of footings depends on the load-bearing capacity of the soil, footings, and the piers as set forth in this rule.

(e) The size and capacity for un-reinforced cast-in-place footings shall be in accordance with figure 3K of this rule.

Figure 3K - The Size and Capacity for Unreinforced Cast-in-Place Footings

Soil Capacity (psf)	Minimum Footing Area (in ²)	4 in. x 16 in. Pier		16 in. x 16 in. Pier	
		Maximum Footing Capacity (lb.)	Unreinforced Cast-in-Place Minimum Thickness (in.)	Maximum Footing Capacity (lb.)	Unreinforced Cast-in-Place Minimum Thickness (in.)
1,000	15 x 16	1,000	6	1,500	6
	20 x 20	2,000	6	2,000	6
	24 x 24	3,700	6	3,700	6
	30 x 30	5,600	8	5,600	6
	36 x 36	7,900	10	8,100	8
	42 x 42	10,100 ¹	12	13,600	12
1,500	16 x 16	3,500	6	2,500	6
	20 x 20	4,000	6	4,000	6
	24 x 24	5,600	8	5,600	6
	30 x 30	8,600 ²	10	8,800	6
	36 x 36	12,200 ³	12	12,600	8
	42 x 42	16,100 ⁴	15	16,500 ⁴	12
2,000	16 x 16	3,400	6	3,400	6
	20 x 20	5,300	6	5,300	6
	24 x 24	7,600	8	7,700	6
	30 x 30	11,400 ⁴	10	11,900	8
	36 x 36	16,300 ⁴	15	16,900 ⁴	12
	42 x 42	21,700 ⁴	18	22,700 ⁴	15

2,500	16 x 16	4,300	6	4,300	6
	20 x 20	6,200	6	6,200	6
	24 x 24	9,600 ²	8	9,700	6
	30 x 30	14,700 ³	12	15,000	8
3,000	16 x 16	5,200	6	5,200	6
	20 x 20	8,100 ²	8	8,100	6
	24 x 24	11,800 ³	10	11,800	6
	30 x 30	17,800 ⁴	12	18,100 ⁴	8
4,000	16 x 16	7,000	6	7,000	6
	20 x 20	10,800	8	10,800	6
	24 x 24	15,900 ⁴	10	15,900	8
	30 x 30	23,800 ⁴	15	24,200 ⁴	10

- Notes:
1. The footing sizes shown are for square piers and are based on the area (in²), shear, and bending required for the loads shown. Other configurations, such as rectangular or circular configurations, can be used, provided the area and depth is equal to or greater than the area and depth of the square footing shown in the table, and the distance from the edge of the pier to the edge of the footing not less than 3" or more than the thickness of the footing.
 2. The cast-in-place values can be used for unreinforced precast concrete footings.
 3. The capacity values shown have been reduced by the dead load of the concrete footing.
 4. Concrete base piers must not exceed their design capacity.

(M) Combination systems.

Support systems that combine both load-bearing capacity shall also be sized and designed for all applicable design loads.

(N) Permanent foundations.

Permanent foundation shall:

- (1) Have a continuous perimeter wall that complies with requirements of HUD's September 1996 permanent foundation guide for manufactured homes;

- (2) Have footings that are either below the frost line or protected from frost heave;
- (3) Tongue wheels, axles, and hitches shall be removed from under the manufactured home; and
- (4) Conform to Chapter 4781-6 of the Administrative Code.

(O) Stable foundation means

Foundations not to frost depth but protect against frost heave by the installation properties of the under home enclosure and shall conform to Chapter 4781-6 of the Administrative Code.

(P) Temporary foundation means:

Footing not below frostline or protected from frost heave and shall be permitted on private property for no more than six months, two six month extensions may be granted by the authority having jurisdiction upon written request if the installations is in accordance with Chapter 4781-6 of the Administrative Code.

(Q) Special snow load conditions.

(1) In general, foundations for homes, which by special request of the home owner are designed for and located in areas with roof live loads greater than forty per square foot shall be designed by the manufacturer for the special snow load conditions in accordance with acceptable engineering practice. Where site or other conditions prohibit the use of the manufacturer's instructions, a registered professional engineer or registered architect shall design the foundation for the special snow load conditions.

(2) Ramadas. A ramada is any freestanding roof or shade structure, installed or erected above a manufactured home or any portion thereof. Ramadas may be used and shall be self- supporting except that any connection to the home shall be for weatherproofing only.

Replaces: 4781-6- 2.3

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.04

Prior Effective Dates: 9/15/2006, 1/1/2010, 6/2/2011

4781-6-03.4 Anchorage against wind.

(A) Anchoring instructions.

(1) After blocking and leveling, the manufactured home shall be secured against the wind by use of anchor assembly type installations or by connecting the home to the alternative foundation system. See rule 4781-6-02.3 of the Administrative Code.

(2) For anchor assembly type installations, the installation shall ensure the manufactured home is secured against the wind as described in this section. Installations not completed in accordance with the manufactured installation instructions shall meet these standards or be designed by an Ohio registered professional engineer or registered architect in accordance with acceptable engineering practice, the design loads of the MHCSS and rule 4781-6-02.3 of the Administrative Code.

(3) All anchoring and foundation systems shall be capable of meeting the loads that the manufactured home was designed to withstand required by MHCSS and rule 4781-6-02.3 of the Administrative Code and that the manufactured home was designed to withstand as shown on the home's data plate. However, if a home is placed in a zone which is less than the zone on the data plate then the anchoring and foundation requirements may be designed to the zone in which the home is placed; unless specifically excluded by the manufacturer of the home.

(4) When an Ohio registered professional engineer or registered architect designs anchoring, the installation instructions are to include at least the following information and details for anchor assembly type instructions:

(a) The maximum spacing for installing diagonal ties and any required vertical ties or straps to ground anchors;

(b) The minimum and maximum angles or dimensions for installing diagonal ties or straps to ground anchors and the main chassis members of the manufactured home;

(c) Requirements for connecting the diagonal ties to the main chassis members of the manufactured home. If the diagonal ties are attached to the bottom flange of the main chassis beam, the frame shall be designed to prevent rotation of the beam;

(d) Requirements for longitudinal and mating wall tie downs and anchorage;

(e) The method of strap attachment to the main chassis member and ground anchor; including provisions for swivel-type connections;

(f) The method of strap attachment to the main chassis member and ground anchor; including provisions for swivel-type connections;

(g) As applicable, the requirements for sizing and installation of stabilizer plates.

(B) Ground anchor installations.

(1) Specifications for tie-down straps and ground anchors.

(a) Ground anchors.

Ground anchors shall be listed, be provided with protection against weather deterioration and corrosion at least equivalent to that provided by a coating of zinc on steel of not less than 0.30 ounces per square foot of surface coated, and be capable of resisting a minimum ultimate load of four thousand seven hundred twenty-five pounds and a working load of three thousand one hundred fifty pounds, unless reduced capacities are noted in accordance with note 11 of table 4.1 of this rule or note 12 of tables 4.2 and 4.3 of this rule. The ultimate load and working load of ground anchors and anchoring equipment shall be determined by a registered professional engineer, registered architect, or tested by a nationally recognized third party testing agency in accordance with a nationally recognized testing protocol.

(b) Tie-down straps.

A one and one-quarter inch by thirty-five hundredths of an inch or larger steel strapping conforming to ASTM D 3953-97, "Standard Specification for Strapping, Flat Steel and Seals, Type 1 Grade 1, Finish B," with a minimum total capacity of four thousand seven hundred twenty-five pounds and a working capacity of three thousand one hundred fifty pounds shall be used. The tie-down straps shall be provided with protection against weather deterioration and corrosion at least equivalent to that provided by a coating of zinc on steel of not less than 0.30 ounces per square foot of surface coated. Slit or cut edges of coated strapping need not be zinc coated.

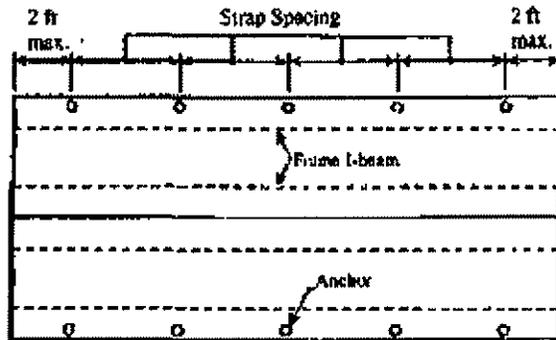
(2) Number and location of ground anchors.

(a) Ground anchor and anchor strap spacing shall be:

(i) No greater than the spacing shown in tables 4.1 to 4.3 of this rule and figures 4A and 4B of this rule; or

(ii) Designed by an Ohio registered engineer or architect in accordance with acceptable engineering practice, Chapter 4781-6 of the Administrative Code, and the requirements of the MHCSS.

Figure 4A- Ground Anchor Spacing Plan View



Note

1. In Ohio refer to Table 4.1 of this section for maximum ground anchor spacing. Tables 4.2 and 4.3 are included for reference.
2. Longitudinal anchors are not shown for clarity. Refer to 4781-6-02 §B (2)(b) for longitudinal anchoring requirements.

(b) Longitudinal anchoring. Manufactured homes in Ohio are not required to be stabilized against the wind in the longitudinal direction unless specified in the manufacturer's installation manual or by an Ohio registered professional engineer or registered architect. An Ohio registered professional engineer or registered architect shall design alternative longitudinal anchoring methods in accordance with acceptable engineering practice.

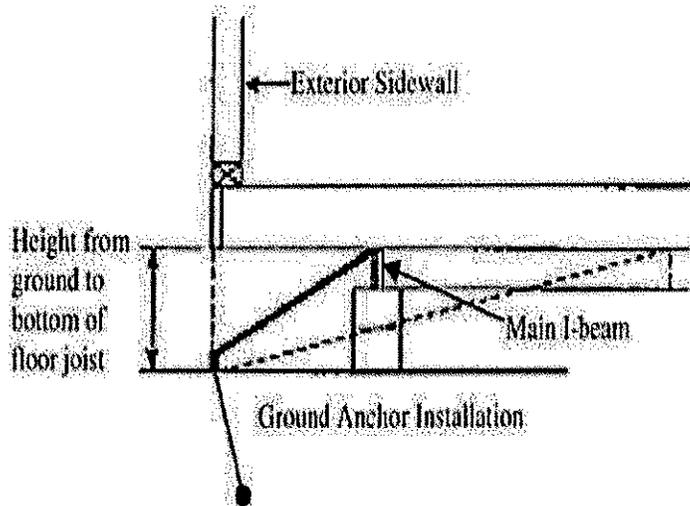
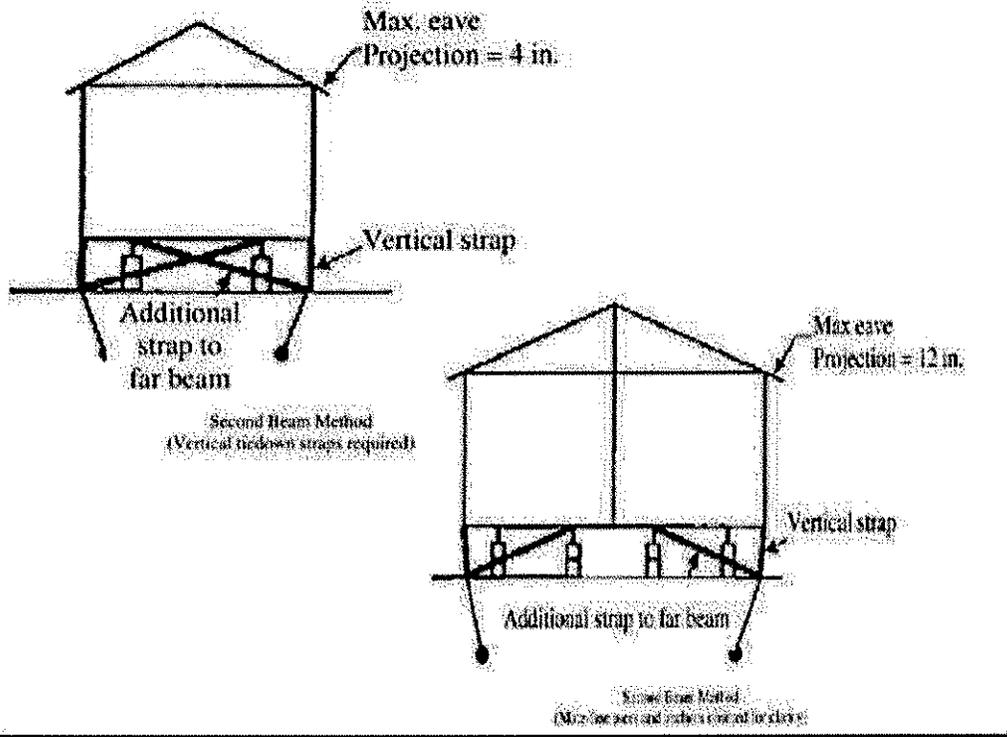
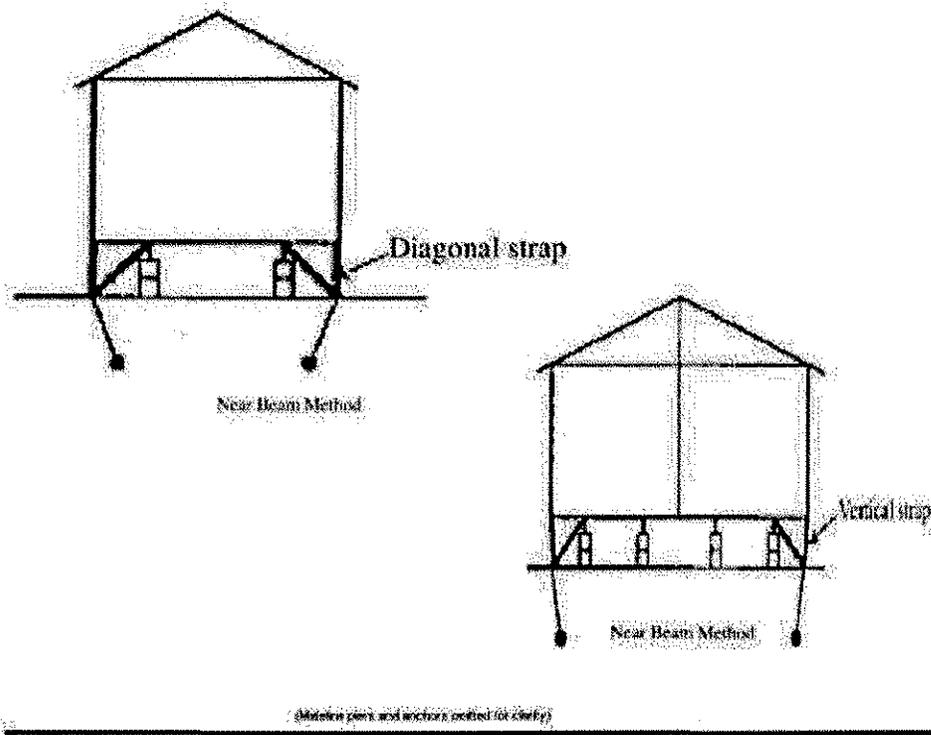


Figure 4-B Anchor Strap and Pier Relationship

Notes:

1. Vertical Straps are not required in Ohio or in Wind Zone 1 unless specified by the manufacturer or a design professional.
2. The frame must be designed to prevent rotation of the main chassis beam, when the diagonal ties are not attached to the top flange of the beam. In general, diagonal ties shall be attached to the top flange of the beam.





(c) The requirements in this rule shall be used to determine the maximum spacing of ground anchors and their accompanying anchor straps based on the soil classification determined in accordance with rule 4781-6-02.2 of the Administrative Code.

(i) The installed ground anchor size (length) shall be for the listed soil class.

(ii) All ground anchors shall be installed in accordance with their listing or certification and the ground anchor manufacturer installation instructions.

(iii) Plate size and type. The size and type of stabilizer plate to be provided shall be determined by the manufacturer of the anchor in accordance with the ground anchor listing or certification. Metal stabilizer plates shall be provided with protection against weather deterioration and corrosion at least equivalent to that provided by a coating of zinc on steel of not less than 0.30 ounces per square foot of surface coated. Alternatively, ABS stabilizer plates may be used when listed and certified for such use.

(3) Each ground anchor shall be manufactured and provided with installation instructions in accordance with its listing or certification. A nationally recognized testing agency shall list, or a registered professional engineer or registered architect shall certify the ground anchor for use in a classified soil (see rule 4781-6-02.2 of the Administrative Code) based on a nationally recognized testing protocol.

Table 4.1 – Maximum Diagonal Tie-down Strap Spacing, Wind Zone 1

Nominal Floor Width, Single Section/Multi-section	Max. Height from Ground to Diagonal Strap Attachment	I-Beam Spacing (82.5 in max)	I-Beam Spacing (90.5 in max)
12'-24 ft, 132 in to 156 in section(s)	35 in.	14 ft 2 in.	9 ft 9 in.
	37 in.	11 ft 9 in.	7 ft 8 in.
	45 in.	9 ft 1 in.	5 ft 8 in.
	67 in.	6 ft 6 in.	4 ft 0 in.
14'-28 ft, 168 in to 179 in section(s)	25 in.	14 ft 2 in.	13 ft 11 in.
	33 in.	16 ft 1 in.	13 ft 6 in.
	46 in.	13 ft 3 in.	10 ft 8 in.
	67 in.	10 ft 0 in.	7 ft 9 in.
16'-32 ft, 180 in. to 204 section(s)	25 in.	20 ft 7 in.	19 ft 3 in.
	33 in.	19 ft 0 in.	17 ft 5 in.
	46 in.	16 ft 3 in.	14 ft 7 in.
	67 in.	13 ft 1 in.	11 ft 3 in.

Notes:

1. Table is based on maximum 90 in. sidewall height.
2. Table is based on maximum 4 in. inset for ground anchor head from edge of floor or wall.
3. Table is based on main rail (I-beam) spacing per given column.
4. Table is based on maximum 4 in. eave width for single-section homes and maximum 12 in. for multi-section homes.
5. Table is based on maximum 20-degree roof pitch (4.3/12).
6. Installation may be required for other heights from ground to strap attachment. The minimum height from the ground to the bottom of the floor joist must be 18 in.
7. Additional tie-downs may be required per the home manufacturer instructions.
8. Ground anchors must be certified for these conditions by a professional engineer, architect, or listed by a nationally recognized testing laboratory.
9. Ground anchors must be installed to their full depth, and stabilizer plates, if required by the ground anchor listing or certification, must be installed per the ground anchor and home manufacturer instructions.
10. Strapping and anchoring equipment must be certified by a registered professional engineer or registered architect, or listed by a nationally recognized testing agency to resist these specified forces in accordance with testing procedures in ASTM D 3953-97, *Standard Specification for Strapping, Flat Steel and Seals*.
11. A reduced ground anchor or strap working load capacity will require reduced tie-down strap and anchor spacing. Ground anchors must not be spaced closer than the minimum spacing permitted by the listing or certification.
12. Table is based on 3150 lb working load capacity, and straps must be placed within 2 ft of the ends of the home.
13. Table is based on minimum angle of 30 degrees between the diagonal strap and the ground.

(C) Sidewall, over-the-roof, mate-line, and shear wall straps.

If sidewall, over the roof, mate-line, or shear wall straps are installed on the home, they shall be connected to an anchoring assembly.

(D) Severe climatic conditions.

In frost-susceptible soil locations, ground anchor augers shall be installed below the frost line unless the foundation system is frost protected to prevent the effects of frost heave in accordance with acceptable engineering practice and rule 4781-6-02.3 of the Administrative Code.

(E) Flood hazard areas.

In flood hazard areas, the piers, anchoring, and support systems shall comply with FEMA 85 requirements and shall be capable of resisting all loads associated with design flood and wind events or combined flood and wind events. See rule 4781-6-02.1 of the Administrative Code. In manufactured home parks, manufactured homes shall be installed in accordance with Chapter 4781. of the Administrative Code.

Replaces: 4781-6- 02.4

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.04

Prior Effective Dates: 1/1/2010

4781-6-03.5 Optional features.

(A) Features added during installation.

Optional equipment or features shall not take the home out of conformance with the requirements of the MHCSS and these standards.

(B) Expanding rooms.

The support and anchoring systems for expanding rooms shall be installed in accordance with designs provided by the home manufacturer or prepared by a registered professional engineer or registered architect in accordance with acceptable engineering practice.

(C) Optional appliances.

(1) Comfort cooling systems. When not provided and installed by the home manufacturer, comfort cooling systems shall be installed according to the appliance manufacturer's installation instructions.

(a) Air conditioners. Air conditioning equipment shall be listed or certified by a nationally recognized testing agency for the application for which the unit is intended and installed in accordance with the terms of its listing or certification.

(i) Energy efficiency.

(a) Site-installed central air conditioning equipment shall be sized to meet the home's heat gain requirement, in accordance with chapter twenty-eight of the 2007 ASHRAE "Handbook of Fundamentals" or ACCA "Manual J, Residential Cooling Load," eighth edition.

(b) The BTU per hour rated capacity of the site-installed air conditioning equipment shall not exceed the air distribution system's rated BTU per hour capacity as shown on the home's compliance certificate.

(ii) Circuit rating. If a manufactured home is factory provided with an exterior outlet to energize heating and/or air conditioning equipment, the branch circuit rating on the tag adjacent to this outlet shall be equal to or greater than the minimum circuit amperage identified on the equipment rating plate.

(iii) A-coil units.

(a) A-coil air conditioning units shall be compatible and listed for use with the furnace in the home and installed in accordance with the appliance manufacturer's instructions.

(b) The air conditioner manufacturer instructions shall be followed.

(c) All condensation shall be directed beyond the perimeter of the home by means specified by the equipment manufacturer.

(b) Heat pumps. Heat pumps shall be listed or certified by a nationally recognized testing agency for the application for which the unit is intended and installed in accordance with the terms of its listing or certification.

(2) Fireplace and wood-stove chimneys and air inlets. Fireplace and wood-stove chimneys and air inlets shall be listed for use with manufactured homes and shall be installed in accordance with their listings.

(3) Appliance venting.

(a) All heat producing appliances except ranges and ovens shall be vented to the exterior of the home.

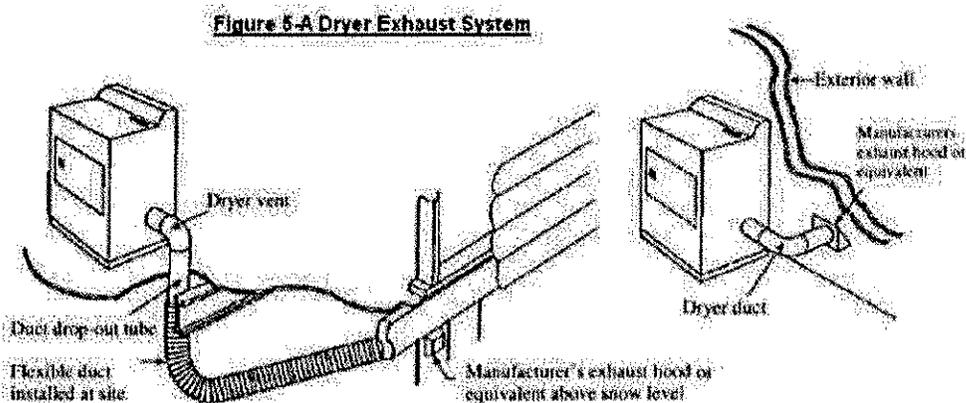
(b) When the vent exhausts through the floor, the vent shall not terminate under the home and shall extend to the home's exterior and through any skirting or foundation wall that may be installed.

(4) Flood hazard areas.

(a) Outside appliances. Appliances installed on the manufactured home site shall be anchored and elevated to or above the same elevation as the minimum flood elevation of the lowest floor of the home.

(b) Air inlets and exhausts. Appliance air inlets and exhausts shall be located at or above the same elevation as the minimum flood elevation of the lowest floor of the home.

(5) Clothes dryer exhaust system duct. A clothes dryer exhaust duct system shall conform with and be completed in accordance with the appliance manufacturer instructions and rule 4781-6-02.6 of the Administrative Code. The vents shall exhaust to the exterior of the home, beyond any perimeter skirting installed around it, as shown in figure 5A of this rule.

**Notes:**

1. Installation of the exhaust system must be in accordance with the dryer manufacturer's instructions.
2. Dryer exhaust system must not contain reverse slope or terminate under the home.
3. Combustible duct materials including vinyl and foil type dryer duct shall not be used.

(D) Skirting.

(1) Skirting, if used, shall be of weather-resistant materials.

(2) Skirting shall not be attached in a manner that can cause water to be trapped between the siding and trim or forced up into the wall cavities trim to which it is attached.

(3) All wood skirting within six inches of the ground shall be pressure treated in accordance with AWPA "Standard U1 for Use Category 4A, Ground Anchor Contact Applications" or be naturally resistant to decay and termite infestations.

(4) Skirting shall not be attached in a manner that impedes the contraction and expansion characteristics of the home's exterior covering and siding.

(E) Crawlspace ventilation.

(1) A crawlspace with solid skirting shall be provided with ventilation openings. The minimum net area of ventilation openings must not be less than one square foot for every one hundred fifty square feet of the home's floor area. The total area of ventilation openings may be reduced to one square foot for every fifteen hundred square feet of the home's floor area, where uniform six mil polyethylene vapor retarder or other acceptable vapor retarder required under rule 4781-6-02.2 of the Administrative Code is placed on the ground surface beneath the entire floor area of the home with a minimum of four vents per enclosed crawlspace area.

(2) Ventilation openings shall be placed as high as practicable above the ground and located on at least two opposite sides to provide cross-ventilation. The vents shall be located within three feet of the

corners of the home and unobstructed.

(3) Ventilation openings shall be covered for their full height and width with a perforated corrosion and weather resistant covering that is designed to prevent the entry of rodents. In areas subject to freezing, the coverings for the ventilation openings shall be of the adjustable type, permitting them to be in the open or closed position, depending on the climatic conditions.

(4) Access opening(s) not less than eighteen inches in width and twenty four inches in height and not less than three square feet in area shall be provided and shall be located so that any utility connections located under the home are accessible.

(5) Condensate drains, water heater drains, and furnace drains shall be provided when specified by the HVAC manufacturer's installation instructions and in the absence of manufacturer's installation instructions, where condensate is discharged from equipment. All condensate pans and collectors shall have condensate drains. HVAC condensation drains shall pass to the outside or into another approved drain which passes to the outside of the home. Drains shall be supported in accordance with paragraph (D) of rule 4781-6-02.6 of the Administrative Code.

(6) Dryer vents and combustion air inlets shall pass through the skirting to the outside of the home. See figure 5A "Dryer Exhaust system" of the Administrative Code.

Replaces: 4781-6- 02.5

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.04

Prior Effective Dates: 9/15/2006, 1/1/2010, 6/2/2011

4781-6-03.6 Ductwork and plumbing and fuel supply systems.

(A) Field assembly.

Home manufacturers shall provide specific installation instructions for the proper field assembly of manufacturer-supplied and shipped loose ducts, plumbing, and fuel supply system parts that are necessary to join all sections of the home and shall be designed to be located underneath the home. The installation instructions shall be designed in accordance with applicable requirements of the MCHSS. Where manufacturer's installation instructions are not available or do not address an element of the installation, the Ohio plumbing code, the Ohio mechanical code, and this rule shall govern.

(B) Utility connections.

Refer to rule 4781-6-02.9 of the Administrative Code.

(C) Water supply.

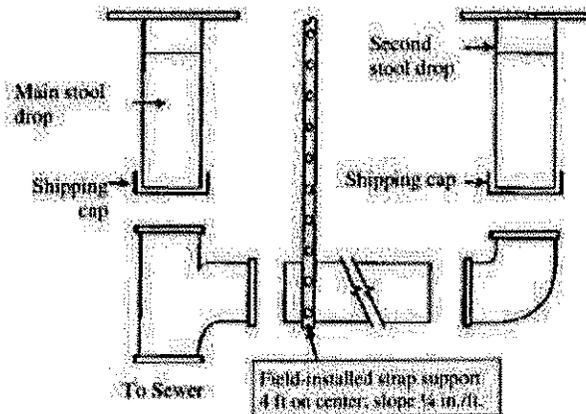
(1) Crossover. Multi-section homes with plumbing in both sections require water-line crossover connections to join all sections of the home.

(2) Maximum supply pressure and reduction. When the local water supply pressure exceeds eighty pounds per square inch to the manufactured home, a pressure-reducing valve shall be installed.

(3) Mandatory shutoff valve.

(a) An identified and accessible shutoff valve shall be installed between the water supply and the inlet.

Figure 6.1 Pipe Slope and Connections



(b) The water riser for the shut-off valve connection shall be located underneath or adjacent to the manufactured home with the shut-off valve accessible within three feet of the point where the water supply enters the perimeter of the manufactured home or emerges from underground.

(c) The shutoff valve shall be a full-flow gate or ball valve, or equivalent valve.

(4) Freezing protection. Water line crossovers completed during installation shall be protected from freezing.

(a) If subject to freezing temperatures, the water connection shall be wrapped with insulation or otherwise protected to prevent freezing.

(b) In areas subject to freezing or subfreezing temperatures, exposed sections of water supply piping, shutoff valves, pressure reducers, and pipes in water heater compartments shall be insulated or otherwise protected from freezing.

(c) Use of pipe heating cable. Only pipe heating cable listed for the intended use shall be permitted to be used. It shall be fused or used with a fused plug and shall be installed in accordance with the cable manufacturer installation instructions.

(5) Testing procedures.

(a) The water system shall be inspected and tested for leaks after completion at the site in accordance with the manufacturer's installation instructions. Where no manufacturer's installation manual test procedure is available, the test shall be performed in accordance with testing procedures provided on forms approved by the commission.

(b) The water heater shall be disconnected when using an air-only test to prevent damage to the water heater for pressures above eighty psi.

(D) Drainage system.

(1) Crossovers. Multi-section homes with plumbing in more than one section require drainage system crossover connections to join all sections of the home.

(2) Assembly and support. If portions of the drainage system were shipped loose because the portions were necessary to join all sections of the home and designed to be located underneath the home, the portions shall be installed and supported in accordance with manufacturer's home installation instructions or OMHC rules.

(3) Proper slopes. Drains shall be completed in accordance with manufacturer's home installation instructions or OMHC rules.

(a) Drain lines shall not slope less than one-quarter inch per foot unless otherwise noted on the schematic diagram, as shown in figure 6.1 of this rule.

(b) A slope of one-eighth inch per foot may be permitted when a clean out is installed at the upper end of the run.

(4) Testing procedures.

The drainage system shall be inspected and tested for leaks after completion at the site in accordance

with the manufacturer's installation instructions. Where no manufacturer's installation manual test procedure is available, the test shall be performed in accordance with testing procedures provided on forms approved by the commission.

(E) Fuel supply system.

(1) Proper supply pressure. The gas piping system in the home is designed for a pressure that is at least ten inches of water column [5.8 ounces per square inch or 0.36 psi] and not more than fourteen inches of water column [eight ounces per square inch 0.5 psi]. If gas from any supply source exceeds, or could exceed this pressure, a regulator shall be installed.

(2) Crossovers.

Multi-section homes with fuel supply piping in both sections require crossover connections to join all sections of the home.

(3) Testing procedures. The gas system shall be inspected and tested for leaks after completion at the site in accordance with the manufacturer's installation instructions. Where no manufacturer's installation manual test procedure is available, the test shall be performed in accordance with testing procedures on forms approved by the commission.

(F) Ductwork connections.

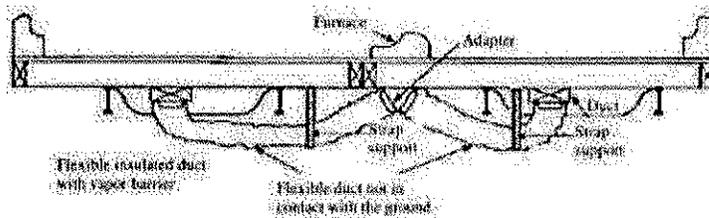
(1) Crossovers. Multi-section homes with ductwork in more than one section require crossover connections to complete the duct system of the home. All ductwork connections, including duct collars, shall be sealed to prevent air leakage. Galvanized metal straps or tape and mastics listed to UL181 A or UL181 B shall be used around the duct collar and secured tightly to make all connections.

(2) If metal straps are used, the metal straps shall be secured with galvanized sheet metal screw.

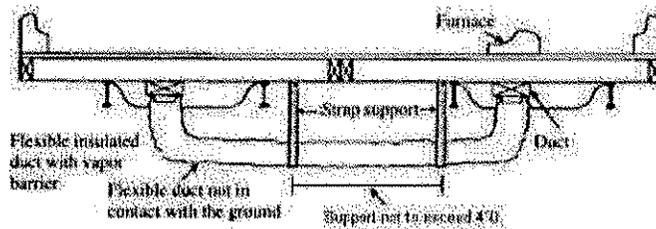
(3) Metal ducts shall be fastened to the collar with a minimum of three galvanized sheet metal screws equally spaced around the collar.

(4) Air conditioning or heating ducts shall be installed in accordance with applicable requirements of the duct manufacturer installation instructions.

(5) The duct shall be suspended or supported above the ground by straps or other approved means that are spaced at a maximum distance not to exceed four feet or as otherwise permitted by the installation instructions. When straps are used to support a flexible type duct, the straps shall be at least three-fourths inch wide and shall be installed such that the straps cannot slip between any two spirals and arranged under the floor to prevent compression or kinking in any location, as shown in figures 6A and 6B of this rule.

Figure 6A - Crossover Duct Installation with Two Connecting Ducts**Notes:**

1. This system is typically used when a crossover duct has not been built into the floor and the furnace is outside the I-Beam. With this type of installation, it is necessary for two flexible ducts to be installed. An adapter or band may also be used for homes with more than 2 sections.
2. The crossover duct must be listed for exterior use.

Figure 6B - Crossover Duct Installation with one Connecting Duct**Notes:**

1. This system is typically used when a crossover duct has not been built into the floor and the furnace is situated directly over the main duct in one section of the home. A single flexible duct is then used to connect the sections of the home to each other.
2. Crossover duct must be listed for exterior use.

(6) Crossover ducts outside the thermal envelope of the manufactured home, in uninsulated basements or uninsulated crawlspaces, shall be insulated to an R-value of four or better in accordance with ASTM C-518, UL181 for flexible ducts or equal thermal protection and covered with a vapor retarder.

(7) In-floor or ceiling crossover duct connections shall be installed and sealed to prevent air leakage.

(8) Support of crossover ducts does not include resting loose on rocks, brick, blocks, or other materials resting on the ground.

(9) Floor joists shall not be notched or cut into in anyway during the installation of on-site ductwork.

(10) Repair any tears in the outlining of ductwork and cover all exposed metal surfaces, boots, and

connections with insulation with a minimum R-value of four and a vapor barrier.

Replaces: 4781-6- 02.6

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.04

Prior Effective Dates: 9/15/2006, 1/1/2010, 6/2/2011

4781-6-03.7 Electrical systems and equipment.

(A) Electrical crossovers

Multi-section homes with electrical wiring in more than one section require crossover connections to join all sections of the home. The crossover shall be completed in accordance with the directions provided in the installation instructions.

(B) Miscellaneous lights and fixtures.

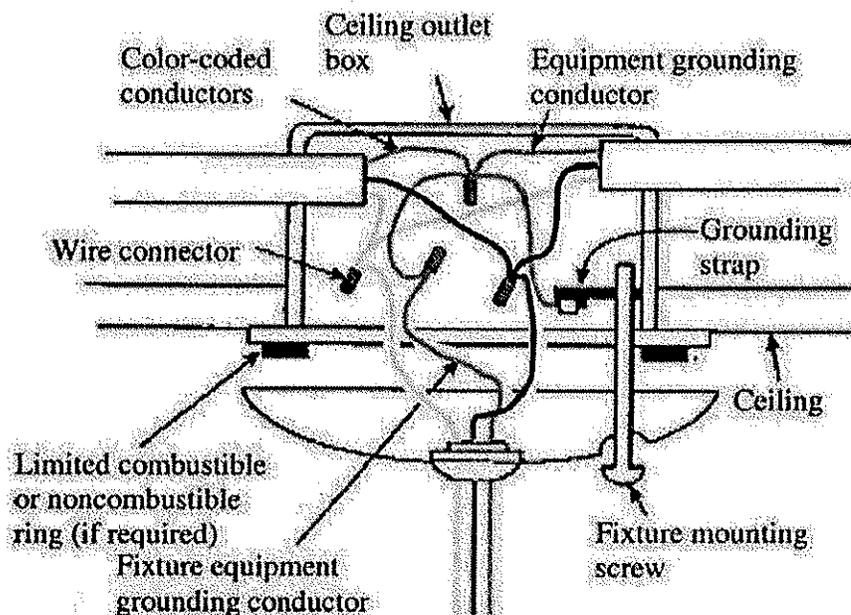
(1) When the home is installed, exterior lighting fixtures, ceiling-suspended (paddle) fans, and chain-hung lighting fixtures shall be permitted to be installed in accordance with their listings, MHCSS and these standards.

(2) Grounding.

(a) All the exterior lighting fixtures and ceiling fans installed per MHCSS and these standards shall be grounded by a fixture-grounding device or by a fixture-grounding wire.

(b) For chain-hung lighting fixtures, as shown in figure 7A of this rule, both a fixture-grounding device and a fixture-grounding wire shall be used. The identified conductor shall be the neutral conductor.

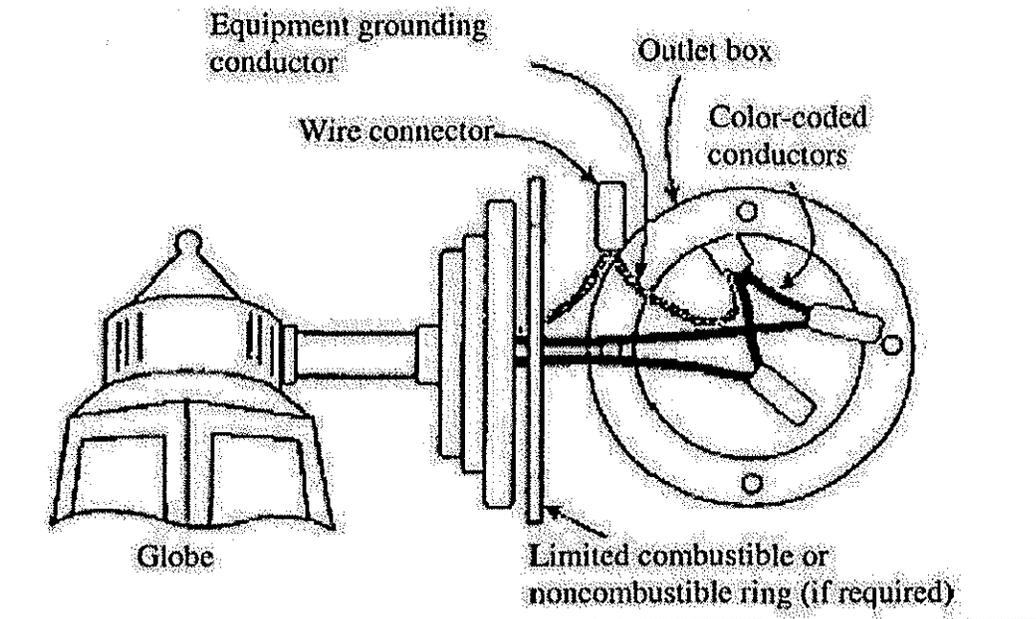
Figure 7A - Typical Installation of Chain-Hung Lighting Fixture



(3) Where lighting fixtures are mounted on combustible surfaces such as hardboard, a limited combustible or noncombustible ring, as shown in figures 7A and 7B of this rule, shall be installed to

completely cover the combustible surface exposed between the fixture canopy and the wiring outlet box.

Figure 7B - Typical Installation of Surface-Mounted Exterior Lighting Fixture



(4) Exterior Lights.

(a) The junction box covers shall be removed and wire-to-wire connections shall be made using listed wire connectors.

(b) Wires shall be connected in compliance with the national electric (NEC) 2008.

(c) The wires shall be pushed into the box, and the lighting fixture shall be secured to the junction box.

(d) The lighting fixture shall be caulked around its base to ensure a watertight seal to the sidewall.

(e) The light bulb shall be installed and the globe shall be attached.

(5) Ceiling fans.

(a) Ceiling-suspended (paddle) fans shall be connected to a junction box listed for ceiling fan application and installed with the trailing edges of the blades at least six feet four inches above the finished floor.

(b) The wiring shall be connected in accordance with the product manufacturer installation instructions.

(6) Testing.

(a) After completion of all electrical wiring and connections, including crossovers, electrical lights, and ceiling fans, the electrical system shall be inspected and tested. Testing shall be done in accordance with the manufacturer's installation instructions. Where no manufacturer's installation manual test procedure is available, the test shall be performed in accordance with testing procedures provided on forms approved by the commission.

(b) Each manufactured home shall be subjected to the following tests:

(i) An electrical continuity test to ensure that metallic parts are effectively bonded;

(ii) Operational tests of all devices and utilization equipment except water heaters, electric ranges, electric furnaces, dishwashers, clothes washers/dryers, and portable appliances to demonstrate that they are connected and in working order; and

(iii) For electrical equipment installed or completed during installation, electrical polarity checks shall be completed to determine that connections have been made properly. Visual verification is an acceptable electrical polarity check.

(C) Smoke alarms.

Smoke alarms shall be functionally tested in accordance with applicable requirements of the smoke alarm manufacturer instructions and shall be consistent with this rule. Where no manufacturer's installation manual or alarm manufacturer test procedure is available, the test shall be performed in accordance with testing procedures provided on forms approved by the commission. All homes shall be required to have operational smoke detectors per NFPA recommendations.

(D) Telephone and cable television.

Refer to rule 4781-6-02.9 of the Administrative Code for considerations pertinent to installation of telephone and cable television.

(E) Except where otherwise specified in these standards, electrical supply, electrical systems, and equipment installed on site for manufactured home in a manufactured home park and a single site (private property) shall comply with the national electric code (NEC) 2008, Article 550.

(F) On-site wiring methods not included in the manufacturer's installation instructions shall comply with the requirements of the national electric code (NEC) 2008 and shall be inspected by a state certified electrical safety inspector (ESI) of record certified by the board of building standards or a licensed electrical contractor whose name is on the license issued under Chapter 4740. of the Revised Code.

(G) Electrical service, connectors and feeders shall be inspected by a state certified electrical safety inspector (ESI) of record certified by the board of building standards whose name is on the license issued under Chapter 3783. of the Revised Code.

Replaces: 4781-6- 02.7

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.04

Prior Effective Dates: 9/15/2006, 1/1/2010, 6/2/2011

4781-6-03.8 Exterior and interior close-up.

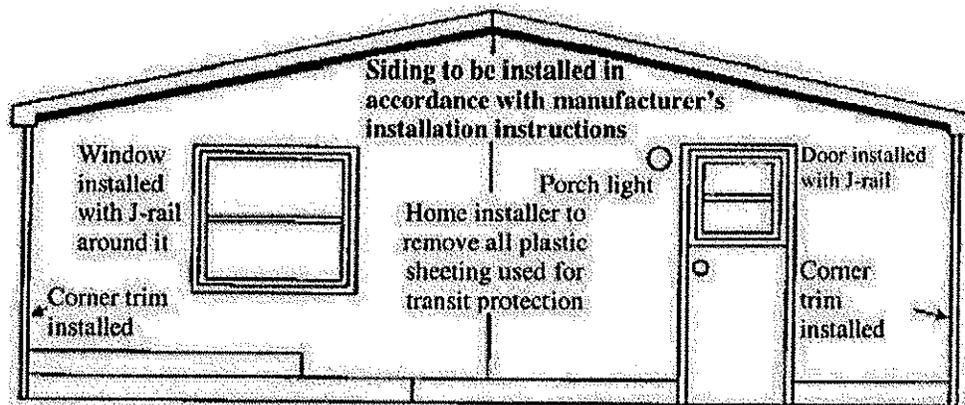
(A) Final leveling of a manufactured home.

The manufactured home shall be leveled before completion of the installation. A home shall be considered level when no more than a quarter-inch difference exists between any two adjacent piers and no more than one-half inch difference exists between any point on the frame of the home to any comparable point on the frame on the opposite side or end of the home. Where two sections are joined at the marriage line, the maximum tolerance at the floor between the sections shall not exceed one-quarter inch vertical difference in height.

(B) Exterior close-up.

(1) Exterior siding and roofing necessary to join all sections of the home shall be installed according to the product manufacturer installation instructions and shall be fastened in accordance with the designs and manufacturer instructions and consistent with this rule. Exterior close-up strips/trim shall be fastened securely and sealed with exterior sealant (see figure 8A of this rule).

Figure 8A - Installation of Field-Applied Horizontal Lap Siding



Notes:

1. Multi-section homes can be shipped with no siding on the hitch and tail end walls.
2. All field installed siding starter trim, trim, vents, windows, doors and other openings shall be properly installed and sealed according to the siding, window and door manufacturer installation instructions.

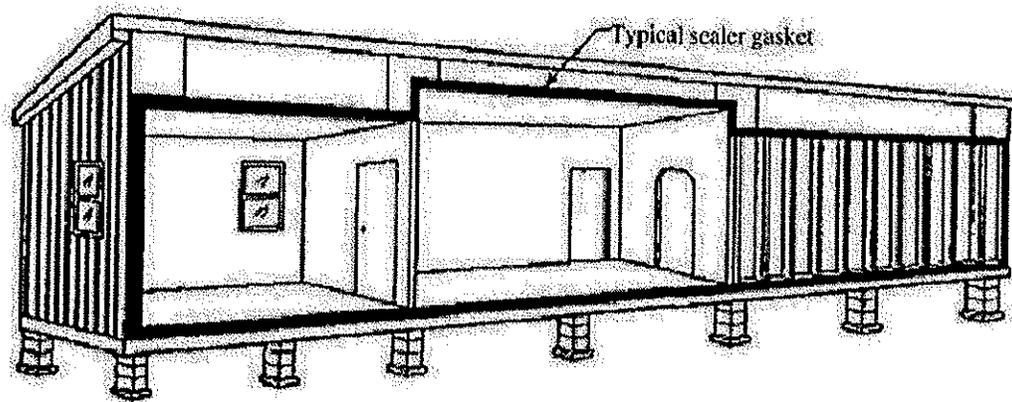
(2) Joints and seams. All joints and seams in exterior wall coverings that were disturbed during location of the home shall be made weatherproof.

(3) Prior to installing the siding, the polyethylene sheeting covering exterior walls for transit shall be completely removed.

(4) Holes in the roof made in transit or setup shall be made weatherproof and sealed with a sealant or other material that is suitable for use with the roofing materials in which the hole is made.

(5) Mate-line gasket. The installer shall use the home manufacturer's materials and designs for mate-line gaskets or other methods designed to resist the entry of air, water, water vapor, insects, and rodents at all mate-line locations exposed to the exterior when available. Where the mate-line gasket material is not available from the manufactured home manufacturer, two inch foam sealed inside a vapor barrier sheathing type gasket, or one inch by four inch fiberglass roll, a batt or its equivalent shall be installed in accordance with Figure 8B below.

Figure 8B - Mate-Line Gasket



Notes:

1. On Multi-section manufactured homes, install sealer gasket on the ceiling, end walls and floor mate-line prior to joining the sections together.

(6) Hinged roofs and eaves. Hinged roofs and eaves shall be completed during installation so as to comply with MHCSS and these standards. However, some hinged roofs may be subject to specific on-site or alternative construction requirements issued separately by HUD. Generally, hinged roof homes are not subject to such special requirements as long as:

- (a) The homes are designed to be located in wind zone one;
 - (b) The completed hinged roof pitch is less than seven in twelve; and
 - (c) Fuel burning appliance flue penetrations are not above the hinge.
- (C) Structural interconnection of multi-section homes.

(1) For multi-section homes, structural interconnections along the interior and exterior at the mate-line are necessary to join all sections of the home.

(2) The interconnections shall be completed in accordance with the manufactured home installation manual or, if not available, these standards to ensure a completely integrated structure.

(3) Upon completion of the exterior close-up, no gaps shall be permitted between the structural elements being interconnected along the mate-line of multi-section homes. However, prior to completion of the exterior close-up, minor gaps that do not exceed one inch shall be permitted between structural elements provided the gaps are closed before completion of close-up, the home sections are in contact with each other, and the mating gasket is providing a proper seal. Gaps greater than one-fourth inch shall be shimmed tight, and fastener lengths used to make connections between the structural elements shall be increased to provide adequate penetration into the receiving member. Gaps between one inch and one-fourth inch in the walls or floor shall be filled with plywood shims or its equivalent.

(4) Multi-section homes with no manufacturer's installation instructions shall be assembled by lagging the floor rim joist approximately center between the floor joists not to exceed twenty-four inches on centers. The lag bolt shall be a minimum three-eighths inch by five inches lag bolt or screw with a standard three eighths inch flat washer.

(5) Multi-section homes with no manufacturer's installation instructions shall be connected at the roof with one and one-half inch wide perforated strapping connecting one rafter to the opposite rafter, affixed with three inch screws, two inch on each side of the ridge. Strapping shall be concealed by the ridge cap. Lags shall not be substituted for the strapping and screws unless the dimensional lumber to be joined by the lags is of sufficient size to accept the lags or required by an Ohio registered professional engineer or registered architect.

(6) Multi-section homes with no manufacturer's installation instructions shall be connected at the end walls with a number ten screw, four and one-half inches or approved equal, toe screwed every sixteen inches alternate sides.

(D) Bottom board repair.

(1) The bottom board covering shall be inspected for any loosening or areas that might have been damaged or torn during installation or transportation. Any missing insulation shall be replaced prior to closure and repair of the bottom board.

(2) Any splits or tears in the bottom board shall be resealed with bottom board fabric tape or patches in accordance with methods provided in the manufacturers installation instructions. Duct tape shall not be used to repair bottom board.

(3) Plumbing P-traps shall be checked to be sure they are well insulated and covered.

(4) All edges of repaired bottom board areas shall be taped with bottom board fabric tape or otherwise equivalently sealed.

(E) Interior close-up.

(1) All shipping, blocking, strapping, or bracing shall be removed from appliances, windows, and doors.

(2) At a minimum, shipped-loose wall paneling necessary for the joining of all sections of the home shall be installed by using polyvinyl acetate (PVA) or equal adhesive on all framing members and fastened with minimum one inch long staples or nails at six inches on center panel edges and twelve inches on center in the field, unless alternative fastening methods are required in the manufactured home's installation instructions. (See figure 8C of this rule).

(F) Stairway walking surface.

The walking surface of the treads and landings of stairways shall be sloped no steeper than one unit vertical in forty eight inches horizontal (two per cent slope).

(G) Handrails.

Handrails shall be provided on at least one side of each continuous run of treads or flights with four or more risers.

(1) Handrail height, measured vertically from the sloped plane adjoining the tread nosing, or finish surface of ramp slope, shall not be less than thirty-four inches (864 mm) and not more than thirty-eight inches (965 mm).

(2) Handrails for stairways shall be continuous for the full length of the flight, from a point directly above the lowest riser of the flight. Handrail ends shall be returned or shall terminate in newel posts or safety terminals. Handrails adjacent to a wall shall have a space on not less than one and one half inch (38 mm) between the wall and the handrails.

(3) Exceptions:

(a) Handrails shall be permitted to be interrupted by a newel post at the turn.

(b) The use of a volute, turnout, start easing or starting newel shall be allowed over the lowest tread.

(c) Two or more separate rails shall be considered continuous if the termination of the rails occur over a single tread and within four inches (101.6 mm) of each other. If the transitioning between a wall-mounted rail shall return to the wall.

(H) Handrail grip size.

All required handrails shall be of one of the following types or shall be equivalent graspability.

(1) Type I. Handrails with a circular cross section shall have an outside diameter of at least one and one fourth inches (32 mm) and not greater than two inches (51 mm). If the handrails is not circular, it shall have a perimeter dimension of at least four inches (102 mm) and not greater than six and one-fourth inches (160 mm) with a maximum cross section of dimension of two and one-fourth (57 mm).

(2) Type II. Handrails with a perimeter greater than six and one-half inches (160 mm) shall provide a graspable finger recess area on both sides of the profile. The finger recess shall begin within a distance of three-quarters inch (19 mm) measured vertically from the tallest portion of the profile and achieve a depth of at least five-sixteenths inch (8 mm) within seven-eighths inch (10 mm) to a level that is not

less than one and three-quarters inches (45 mm) below the tallest portion of the profile. The minimum width of the handrails above the recess shall be one and one-fourth inches (32 mm) to a maximum of 2 and three-quarters inches (70mm). Edges shall have a minimum radius of 0.01 inches (0.25 mm).

(I) Bulkhead enclosure stairways.

Stairways serving bulkhead enclosures, not part of the required building egress, providing access from the outside grade level to the basement shall be exempt from the requirements of this rule where the maximum height from the basement finished floor level to grade adjacent to the stairway does not exceed eight feet (2438 mm), and the grade level opening the stairway is covered by a bulkhead enclosure with hinged doors or other approved means. Where a stairway of two or fewer risers is located on the exterior side of a door, other than the required exit door, a landing is not required for the exterior side of the door.

(J) Ramps.

(1) Maximum slope. Ramps shall have a maximum slope of one unit vertical in eight units horizontal (12.5 -per cent slope).

(2) Landings required. A minimum three-foot-by-three-foot (914 mm by 914 mm) landing shall be provided:

(a) At the top and bottom of ramps;

(b) Where doors open onto ramps; and

(c) Where ramps change direction.

(3) Handrails required. Handrails shall be provided on at least one side of all ramps exceeding a slope of one unit vertical in twelve units horizontal (8.33 -per cent slope).

(4) Height. Handrail height, measured above the finished surface of the ramp slope, shall be not less than thirty-four inches (864 mm) and not more than thirty-eight inches (965 mm).

(5) Handrail grip size. Handrails on ramps shall comply with this rule.

(6) Continuity. Handrails where required on ramps shall be continuous for the full length of the ramp. Handrail ends shall be returned or shall terminate in newel posts or safety terminals. Handrails adjacent to a wall shall have a space of not less than one and one-half inches (38 mm) between the wall and the handrails.

(K) Landings at doors.

(1) There shall be a floor or landing on each side of each exterior door, except as follows:

(a) The floor or landing at the interior side of the exit door required by rule 4781-6-02.9 of the Administrative Code shall not be more than one and one-half inches (38 mm) lower than the top of the threshold. The floor or landing at exterior doors other than the exit door required by rule 4781-6-02.9

of the Administrative Code shall not be required to comply with this requirement but shall have a rise no greater than that permitted by this rule.

(b) Where a stairway of two or fewer risers is located on the exterior side of a door, other than the required exit door, a landing is not required for the exterior side of the door. The landing at the exterior side of the doorway shall not be more than eight and one-fourth inches (210 mm) below the top of the threshold.

(2) The width of each landing shall not be less than the door served. Every landing shall have a minimum dimension of twenty-four inches (610 mm) measured in the direction of travel, but no less than the dimension of door that swings over the landing.

(3) Type of lock or latch. All egress doors shall be readily openable from the side from which egress is to be made without the use of a key or special knowledge or effort.

(L) Stairways.

(1) Width. Stairways shall not be less than thirty-six inches (914 mm) in clear width at all points above the permitted handrails height and below the required headroom height. Handrails shall not project more than four and one-half inches (114 mm) on either side of the stairway and the minimum clear width of the stairway at and below the handrail height, including treads and landings, shall not be less than thirty-one and one-half inches (787 mm) where a handrail is installed on one side and twenty-seven inches (698 mm) where handrails are provided on both sides.

(2) All stairs shall be illuminated in accordance with the requirements in the 2008 national electric code (NEC).

(M) Headroom. The minimum headroom in all parts of the stairway shall not be less than six feet eight inches (2036 mm) measured vertically from the sloped plane adjoining the tread nosing or from the floor surface of the landing or platform.

(N) Stair treads and risers.

(1) Riser height. The maximum riser height shall be eight and one-fourths inches (210 mm). The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than three-eighths inches (9.5 mm).

(2) Tread depth. The minimum tread depth shall be nine inches (229 mm). The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than three-eighths inch (9.5 mm). Winder treads shall have a minimum tread depth of nine inches (229 mm) measured as above at a point twelve inches (305 mm) from the side where the tread are narrower. Winder treads shall have a minimum tread depth of six inches (152 mm) at any point. Within any flight of stairs, the greatest winder tread depth at the twelve inch (305 mm) walk line shall not exceed the smallest by more than three-eighths inch (9.5 mm).

(3) Profile. The radius of curvature at the leading edge of the tread shall be no greater than nine-sixteenths inch (14.3 mm). A nosing not less than three-fourths inch (19 mm) but not more than one

and one-fourths inch (32 mm) shall be provided on stairways with solid risers. The greatest nosing projection shall not exceed the smallest nosing projection by more than three-eighths inch (9.5 mm) between two stories, including the nosing at the level of floors and landings. Beveling of nosing shall not exceed one-half inch (12.7 mm). Risers shall be vertical or sloped from the underside of the leading edge of the tread above at an angle not more than thirty (0.51 rad) degrees from the vertical. Open risers are permitted, provided that the opening between treads does not permit the passage of a four-inch diameter (102 mm) sphere. Exceptions:

(a) A nosing is not required where the tread depth is a minimum of eleven inches (279 mm).

(b) The opening between adjacent treads is not limited on stairs with a total rise of thirty inches (762 mm) or less.

(O) Landings for stairways.

(1) There shall be a floor or landing at the top and bottom of each stairway unless a floor or landing is not required at the top of an interior flight of stairs, provided a door does not swing over the stairs.

(2) A flight of stairs shall not have a vertical rise greater than twelve feet (3658 mm) between floor levels or landings.

(3) The width of each landing shall not be less than the stairway served. Every landing shall have a minimum dimension of thirty-six inches (914 mm) measured in the direction of travel.

(P) Guards (railings) required. Porches, balconies or raised floor surfaces located more than thirty inches (762 mm) above the floor or grade below shall have guards thirty-six inches (914 mm) in height. Open sides of stairs with a total rise of more than thirty inches (762 mm) above the floor or grade below shall have guards not less than thirty-four inches (864 mm) in height measured vertically from the nosing of the treads.

(1) Guard opening limitations. Required guards on open sides of stairways, raised floor areas, balconies and porches shall have intermediate rails or ornamental closures which do not allow the passage of a sphere four inches (102 mm) or more in diameter.

(2) Side approach. Platform must be thirty-six inches in projection. Railing must be on one side and at the end of door swing.

(3) Exception. The triangular openings formed by the riser, tread and bottom rail of a guard at the open side of the stairway are permitted to be of such size that a sphere six inches (152 mm) cannot pass through.

Replaces: 4781-6- 02.8

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.04

Prior Effective Dates: 9/15/2006, 1/1/2010, 6/2/2011

4781-6-03.9 Information for installers.

(A) General.

The planning and permitting processes as well as utility connections shall be governed by the authority having jurisdiction.

(1) Permits and plans review shall be required for all manufactured home installations, in manufactured home parks and on private property. In regions where there is no certified inspection department, the commission may assign third party plans review and inspection agencies to perform inspections or plans review.

(2) Inspections shall be required for all manufactured home installations. Two or more inspections may be required to verify compliance with these standards. It is the responsibility of the installer to call for inspection of the work which they perform. The installer or his or her designee may call for inspection, however, the installer is solely responsible to ensure that the calls for inspection are made in an appropriate and timely manner.

(a) The authority having jurisdiction may provide permit, plan review and inspection for footing or base support system not including installation of manufactured home, provided the installer make application as prescribed by the commission, and approved for location and installed in accordance with paragraphs L to P of rule 4781-6-02.3 of the Administrative Code.

(b) Permit and plan review in paragraph (A) of this rule shall be the same as required in rules 4781-7-09 and 4781-12-05 of the Administrative Code.

(3) Where it is impractical for the manufactured home to conform to the strict letter of these standards, the inspector may accept methods or materials that are substantially equivalent to these standards. Engineering may be required to substantiate equivalency if structural components of the manufactured home have been altered or replaced, at no cost to the authority having jurisdiction.

(4) Once the inspections are made and final approval is given, the inspector shall attach a commission approved seal to the manufactured home.

(B) Moving manufactured home to location.

(1) The manufactured homes shall be moved to the site and placed on the site only when the site is prepared in accordance with these standards and when the utilities are available as required by the authority having jurisdiction.

(2) Access for the transporter. Before attempting to move a home, the transporter should ensure that the transportation equipment and home can be routed to the installation site and that all special transportation permits required by the authority having jurisdiction have been obtained.

(3) Drainage structures. Ditches and culverts used to drain surface runoff shall meet the requirements of the authority having jurisdiction and are considered in the overall site preparation.

(C) Permits and alterations.

(1) Issuance of permits. All necessary fee(s) shall be paid and permits shall be obtained, which may include verification that the requirements of the authority having jurisdiction regarding encroachments in streets, yards, and courts are obeyed and that permissible setback and fire separation distances from property lines and public roads are met.

(2) Alterations. Prior to making any alteration to a home or its installation, the installer shall contact the authority having jurisdiction to determine if plan approval and permits are required.

(D) Installation of manufactured home with attached accessory building or structure.

(1) Each accessory building or structure is designed to support all of its own live and dead loads, unless the structure is included in the manufactured home's installation instructions or designed by an Ohio registered professional engineer or registered architect. The design loads for an accessory building and structure shall be the site specific loads according to the residential code of Ohio. No accessory building or structure shall restrict the egress openings including required egress doors and windows. The inspection of construction of accessory buildings or structures shall be performed by the local authority having jurisdiction, not Ohio manufactured homes commission inspectors.

(2) Awnings and carports.

(a) Awnings and carports shall not restrict the required egress openings in a manufactured home.

(b) Awnings and carports shall be open on at least one side. If enclosed on three sides, must maintain a thirty-six inch means of egress toward the opposite of the open end.

(3) Attached garages.

(a) An attached garage shall be free standing and self-supporting and anchored and supported in accordance with the manufacturer's installation instructions. If the attached garage is site-built, it shall be constructed in accordance with the residential code of Ohio. Attached garages shall have the fire separation from living and sleeping spaces as required in the residential code of Ohio. The inspection of construction of accessory buildings shall be performed by the local authority having jurisdiction, not Ohio manufactured homes commission inspectors.

(b) Garages shall not eliminate the path of egress from the manufactured home. Garages shall not be placed where the bedroom egress window is blocked unless there is a second egress window in the same bedroom which is not blocked. Alternate egress routes shall be subject to approval by the authority having jurisdiction.

(c) One manufactured home egress door shall open directly to the outside without passing through a garage or accessory building.

(d) Ventilation, attic access, and crawl space access openings between the manufactured home and garage shall not be permitted.

(4) Basements

(a) Basements not designed by the home manufacturer shall be designed by an Ohio registered professional engineer or registered architect in accordance with MHCSS, the requirements of the manufactured home and these standards.

(b) Basements shall be designed for the appropriate horizontal and vertical loads required for the site per the residential code of Ohio. Basement design loads shall include the live and dead loads of the manufactured home.

(c) Except where specified in these standards, or the manufacturer's installation instructions, basements shall be constructed in accordance with the residential code of Ohio. The inspection of construction of basements shall be performed by the local authority having jurisdiction, not Ohio manufactured homes commission inspectors.

(d) Basements shall have smoke alarms or detectors installed in accordance with the manufactured home installation instructions, residential code of Ohio, manufacturer's listing and installation instructions or NFPA 72 and these standards.

(e) Basements may include a garage if wall, ceiling and door separation is provided in accordance with the provisions for garages in the residential code of Ohio.

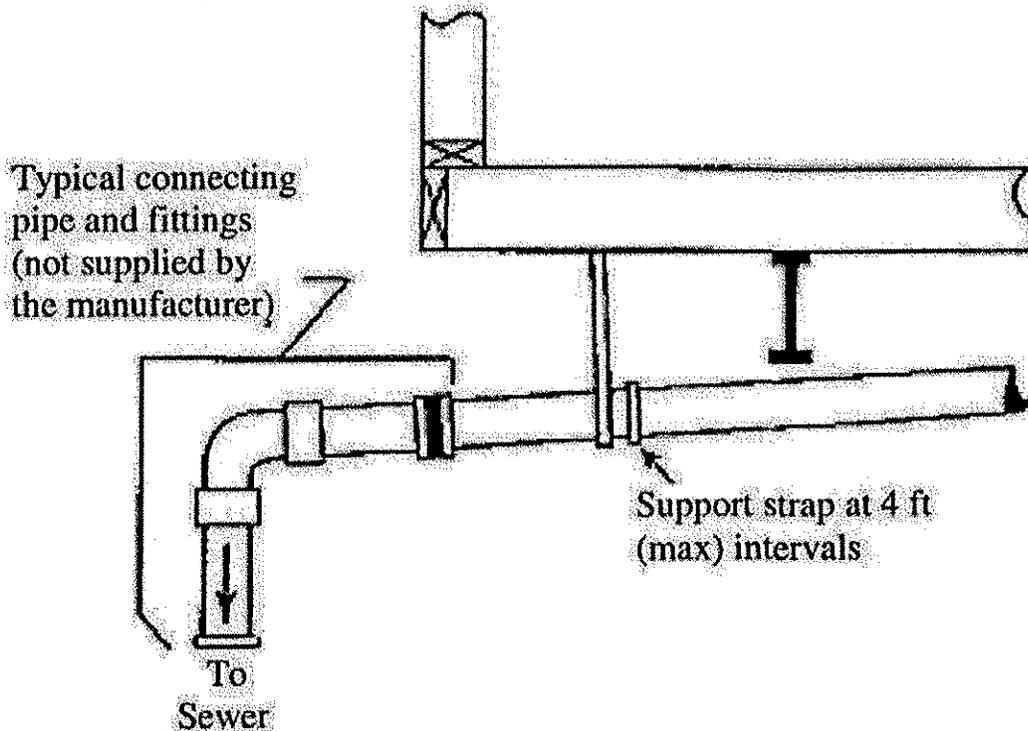
(5) Miscellaneous modifications.

All egress doors and windows shall be readily openable without the use of a key or special effort or knowledge. No installer shall alter the manufacturer's egress provisions except where specifically permitted in these standards. Bars, grills, screens or other obstructions placed over egress doors or windows shall be releasable or removable from the inside without the use of a key or tool.

(E) Utility system connections.

(1) Proper procedures. The authority having jurisdiction shall be consulted before connecting the manufactured home to any utilities, and only qualified personnel familiar with local requirements are permitted to make utility site connections and conduct tests.

(2) Drainage system. The main drain line shall be connected to the site's sewer hookup, using an elastomeric coupler or by other methods acceptable to the authority having jurisdiction, as shown in figure 9A of this rule.

Figure 9A - Connection to Site Sewar**Note:**

1. Fittings in the drainage system that are subject to freezing, such as P-traps in the floor are protected with insulation by the manufacturer. Insulation must be replaced if it is removed for access to the P-trap.

(3) Fuel supply system.

(a) Conversion of gas appliances. A service person acceptable to the authority having jurisdiction may convert the appliance from one type of gas to another, following instructions by the manufacturer of each appliance.

(b) Orifices and regulators. Before making any connections to the site supply, the inlet orifices of all gas-burning appliances shall be checked to ensure they are correctly set up for the type of gas to be supplied.

(c) Connection procedures. Gas-burning appliance vents shall be inspected to ensure that they are connected to the appliance and that roof jacks are properly installed and have not come loose during transit.

(d) Gas appliance start up procedures. The authority having jurisdiction shall be consulted concerning the following gas appliance startup procedures:

(i) One at a time, opening equipment shutoff valves, lighting pilot lights when provided, and adjusting burners and spark igniters for automatic ignition systems shall be in accordance with each appliance

manufacturer instructions.

(ii) Checking the operation of the furnace and water heater thermostats.

(iii) The authority having jurisdiction shall be consulted prior to connection to the gas supply.

(F) Heating oil systems.

(1) Homes equipped with oil burning furnaces shall have their oil supply tank and piping installed and tested on site in accordance with in accordance with NFPA 31, "Standard for the Installation of Oil Burning Equipment," 2001 or the authority having jurisdiction, whichever is more stringent.

(2) The oil burning furnace manufacturer's instructions shall be consulted for pipe size and installation procedures.

(3) Oil storage tanks and pipe installations shall meet all applicable local regulations of the authority having jurisdiction.

(4) Tank installation requirements.

(a) The tank shall be located where it is accessible to service and supply and safe from fire and other hazards.

(b) In flood hazard areas, the oil storage tank shall be anchored and elevated to or above the design flood elevation, or anchored and designed to prevent flotation, collapse, or permanent lateral movement during the design flood.

(c) Leak test procedure. Before the system is operated, it shall be checked for leaks in the tank and supply piping in accordance with NFPA 31, "Standard for the Installation of Oil Burning Equipment," 2001 or the requirements of the authority having jurisdiction, whichever is more stringent.

(G) Telephone and cable television.

Telephone and cable television wiring shall be installed in accordance with requirements of the authority having jurisdiction and the national electric code, NFPA No. 70-2008.

Replaces: 4781-6- 02.9

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.04, 4781.11

Prior Effective Dates: 9/15/2006, 10/16/2009, 1/1/2010, 6/2/2011

4781-6-03.10 Stable foundations - commission approved alternative park installations.

(A) Stable foundations for used manufactured homes - general

(1) Commission approved designs and details shall be acceptable alternatives for installations of used manufactured homes only for licensed manufactured housing parks or as otherwise specified in Chapter 4781-6 of the Administrative Code. Where an item is not mentioned specifically in one of these alternative designs, that installation item or element shall meet the state of Ohio manufactured home installation standards under Chapter 4781-6 of the Administrative Code. A foundation design method must be employed in its entirety. If an item or element is specified in the selected alternative design, that item or element or an equal or more stringent item or element shall be part of the installation. At the time of permit approval and prior to the installation, the alternative design must be selected and the authority having jurisdiction informed as to which installation foundation alternative design or method the installer seeks approval to use.

(2) These alternatives are not appropriate for use in areas located within a one hundred year flood plain.

(B) Alternate method 1 - existing manufactured home parks

(C) Alternate method 2 - manufactured home commission park installation alternative foundation designs

The commission may approve and distribute alternative park installation foundation designs including designs using runners, ribbons, or slabs which do not meet the requirements for a permanent foundation when all of the following are met:

(1) The complete installation foundation design has been reviewed and recommended for approval by the commission's designated engineer, the commission subcommittee on foundations, and the commission;

(2) The installation foundation design shall not take the manufactured home out of compliance with the federal manufactured home construction and safety standards (MHCSS);

(3) The installation foundation design shall provide protection to residents of manufactured housing that equals or exceeds the protection provided by the installation standards for used manufactured homes set forth in Chapter 4781-6 of the Administrative Code except frost depth requirements for ribbons, runners and slabs;

(4) The installation foundation design shall have broad applicability for use in a variety of locations throughout Ohio and provide for the MHCSS Ohio design loads and various Ohio soils conditions, and other design conditions throughout Ohio. The installation foundation design shall clearly specify any conditions, limitations, or requirements including site conditions specific to the designs; and

(5) The installation foundation design shall include, the dimensions of footings, runners, ribbons or

slab; anchorage details including spacing and general specifications for anchors, and pier and blocking spacing requirements;

(6) The installation foundation design shall be prepared by an Ohio registered architect or professional engineer who has agreed to release their copyright control over the installation foundation design for distribution by the commission as a public record; and

(7) The commission, or its designated engineer or its subcommittee may request additional drawings, details and/or structural calculations to be prepared and sealed by a licensed architect or professional engineer who has agreed to release their copyright control over the installation foundation design for distribution by the commission as a public record as supporting documents for the installation foundation design prior to approval by the commission.

Replaces: 4781-6- 02.10

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.04

Prior Effective Dates: 7/1/2007, 1/1/2010

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

(A) General

(1) Commission approved installation designs and details shall be acceptable alternatives for installations of used manufactured homes on private property or in manufactured home parks. Where an item is not mentioned specifically in a commission approved alternative design, that installation item or element shall meet the state of Ohio used manufactured home installation standards under Chapter 4781-6 of the Administrative Code. A foundation design method must be employed in its entirety. If an item or element is specified in the selected alternative design, that item or element or an equal or more stringent item or element shall be part of the installation. At the time of permit approval and prior to the installation, the alternative design must be selected and the authority having jurisdiction informed as to which installation foundation alternative design or method the installer seeks approval to use.

(2) In addition to the used manufactured home installation requirements of Chapter 4781. of the Revised Code, installations in a manufactured home park may have additional requirements pursuant to Chapter 4781-12-08 of the Administrative Code.

(3) Unless specifically indicated as appropriate for use within a one hundred year flood plain, these alternatives shall not be used in areas located within a one hundred year flood plain.

(B) Alternate method - manufactured home commission alternative foundation designs

The commission may approve and distribute alternative installation foundation designs when all of the following are met:

(1) The complete installation foundation design has been reviewed and recommended for approval by the commission's designated engineer, the commission subcommittee on foundations, and the commission;

(2) The installation foundation design shall not take the manufactured home out of compliance with the federal manufactured home construction and safety standards (MHCSS);

(3) The installation foundation design shall provide protection to residents of manufactured housing that equals or exceeds the protection provided by the used manufactured homes installation standards set forth in Chapter 4781-6 of the Administrative Code;

(4) The installation foundation design shall have broad applicability for use in a variety of locations throughout Ohio and provide for the MHCSS Ohio design loads and various Ohio soils conditions, and other design conditions throughout Ohio. The installation foundation design shall clearly specify any conditions, limitations, or requirements including site conditions specific to the designs; and

(5) The installation foundation design shall include the dimensions of footings; anchorage details including spacing and general specifications for anchors, and pier and blocking spacing requirements;

(6) The installation foundation design shall be prepared by an Ohio licensed professional architect or engineer who has agreed to release their copyright control over the installation foundation design for distribution by the commission as a public record; and

(7) The commission, or its designated engineer or its subcommittee may request additional drawings, details and/or structural calculations to be prepared and sealed by a licensed profession architect or engineer who has agreed to release their copyright control over the installation foundation design for distribution by the commission as a public record as supporting documents for the installation foundation design prior to approval by the commission.

Replaces: 4781-6- 2.11

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.04

Prior Effective Dates: 7/1/2007, 1/1/2010, 6/2/2011

4781-7-01 Inspections.

(A) General.

(1) All manufactured homes installed in Ohio shall be inspected for compliance with the Ohio manufactured home installation standards by a commission certified manufactured home inspector, or trained commission inspector and authorized pursuant to Chapter 4781. of the Revised Code.

(2) The commission shall adopt a checklist for the inspection of manufactured homes.

(3) An inspector shall use the commission adopted checklist as a minimum for all inspections.

(B) Commission inspection seal.

(1) The commission shall adopt a commission inspection seal.

(2) Except as provided in paragraph (C) of this rule, no manufactured home shall be occupied until the inspector has issued the commission inspection seal. The commission inspection seal shall be paid for at the time the permit is issued and shall not be construed as an approval of a violation of the provisions of Chapter 4781. of the Revised Code or the rules promulgated thereunder or of other ordinances of the authority having jurisdiction. Any commission inspection seal issued in error shall not be valid.

(3) After the inspector inspects the installation of the manufactured home and finds it complies with the provisions of Chapter 4781. of the Revised Code and the rules promulgated thereunder and other laws that are enforced by the authority having jurisdiction, the inspector shall place the commission inspection seal in the manufactured home in the proximity of the electrical panel box.

(4) Except as provided in paragraph (C) of this rule, every manufactured home that has passed installation inspection by the inspector having jurisdiction shall have a commission inspection seal prior to occupancy. The commission inspection seal must be placed by the authority having jurisdiction in the proximity of the electrical panel box cover with an electrical approval tag at the meter base. No person shall remove, destroy, alter or cover an inspection seal except as permitted by paragraph (D) of this rule. The commission inspection seal shall not be affixed until the manufactured home meets the Ohio manufactured home installation standards. A copy of the commission inspection seal information shall be maintained in the records of the authority having jurisdiction.

(5) The commission inspection seal shall contain the following, written in permanent ink:

(a) The name and license number of the manufactured home installer;

(b) The serial number of the manufactured home;

(c) The address where the home is located;

(d) The signature of a commission certified inspector;

(e) The date the seal is signed and affixed to the home signifying final approval; and

(f) Any special stipulations and conditions of the installation permit or of the approval.

(C) Temporary occupancy permits. The authority having jurisdiction shall be authorized to issue a temporary occupancy permit before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The authority having jurisdiction shall set a time period during which the temporary occupancy permit is valid not to exceed six months. Two six month extensions may be granted by the authority having jurisdiction upon written request if the installation is in accordance with Chapter 4781-6 of the Administrative Code. The temporary occupancy permit shall not be the commission inspection seal but shall be on a form approved by the commission.

(1) Conformance. Temporary occupancy permits shall not be issued unless the manufactured home meets a temporary occupancy permits requirements, and no life safety hazards exist.

(2) Termination of temporary occupancy permits. The authority having jurisdiction may terminate the temporary occupancy permit if (a) the temporary occupancy permit has expired, or (b) the manufactured home no longer meets the temporary occupancy permit requirements.

(D) Revocation of the commission inspection seal or the temporary occupancy permit. The authority having jurisdiction may suspend or revoke an inspection seal issued under Chapter 4781. of the Revised Code or the rules promulgated thereunder if the seal or the temporary occupancy permit is issued in error, or if the information provided is incorrect, or it is determined that the manufactured home is in violation of any ordinance or regulation by the authority having jurisdiction or any of the provisions of Chapter 4781. of the Revised Code or the rules promulgated thereunder.

(E) Jurisdiction for inspections.

All installation inspections in Ohio shall be conducted by an inspector who shall be certified by the Ohio manufactured homes commission, who has completed an installation training course approved by the commission and has passed the commission inspector test. The inspector shall ensure that the installation meets the requirements of the Ohio manufactured home installation standards.

(F) Contracts with inspection agencies.

The commission may enter into contracts with certified building departments, certified health departments, certified third party inspection agencies, or certified inspectors regarding the establishment of fees for conducting inspections to determine a licensee's compliance with the Ohio manufactured home installation standards.

(G) Fee authority for inspections, commission inspection seals, temporary inspections seal and temporary occupancy permits.

(1) Authorities having jurisdiction may charge inspection and re-inspection fees for the inspection of the installation of manufactured homes. The commission may charge fees for inspections and re-inspections it provides, or contracts to provide, in areas where no political subdivision provides inspections or where additional inspections are necessary to assure adequate inspections or to perform complaint based inspection.

(2) The commission shall set the fee for the commission inspection seals and temporary occupancy permits.

(H) Notice of violations for installations of manufactured homes.

(1) When a certified manufactured home inspector determines that a home is in violation of the Ohio manufactured home installation standards as set forth in Chapter 4781-6 of the Administrative Code, the inspector shall provide a notice of violation. The inspector shall provide in writing, on or attached to the notice of violation, a citation to the standard section which has been violated and leave the notice of violation with the inspection documents on site.

(2) A notice of violation shall only be removed after the installer has provided the authority having jurisdiction with notice after the violations have been corrected and the authority having jurisdiction has verified that the corrections have been made.

(I) Fees for commission inspection seals and temporary occupancy permits.

(1) The fee for an inspection seal shall be one hundred dollars. The fee for replacement of the inspection seal shall be the current fee for an inspection seal.

(2) The fee for a temporary occupancy permit shall be seventy-five dollars.

(J) Inspection of utilities.

(1) Connection of service utilities. No person shall make final connections from any utility source to any manufactured home that is regulated by this code until issuance of an installation permit by the authority having jurisdiction. The electrical approval sticker affixed by the inspector having jurisdiction constitutes approval to energize the home. Nothing in this rule prevents the installer from having access to utilities as needed during installation.

(2) Temporary connection. The authority having jurisdiction shall have authority to authorize and approve the temporary connection of the home or system to the utility source.

(3) Authority to disconnect utilities. The inspector shall have the authority to authorize the immediate disconnection of utilities to the manufactured home by Chapter 4781. of the Revised Code or the rules promulgated thereunder and the referenced codes and standards set forth in case of emergency where necessary to eliminate an immediate hazard to life or property or when such connection has been made without approval. The inspector shall notify the utility company and request the utility company to follow its normal disconnection procedures and whenever possible notify the owner and occupant of the manufactured home of the decision to disconnect. The owner or occupant of the manufactured home shall be notified in writing as soon as possible thereafter.

(K) Violations.

(1) No person shall install, occupy, or permit occupancy of, any manufactured home in violation of any provisions of Chapter 4781. of the Revised Code or the rules promulgated thereunder.

(2) The authority having jurisdiction shall be authorized to serve notice of violation or order on any

person responsible for the installation or occupying the manufactured home or in violation of the approved plans or in violation of a permit, commission inspection seal set and temporary occupancy permits issued under Chapter 4781. of the Revised Code or the rules promulgated thereunder. Such order shall direct the discontinuance of the violation, action or condition and the abatement of the violation.

(3) If the violation(s) are not corrected within the time prescribed by such notice, the inspector shall be authorized to request the legal counsel for the authority having jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination for the unlawful occupancy of the manufactured home.

(4) Any person who violates Chapter 4781. of the Revised Code or the rules promulgated thereunder or fails to comply with any of the requirements or who installs a manufactured home in violation of the approved plans or the manufacturer's installation manual or directive of the inspector or of a permit or inspection seal shall be subject to penalties as prescribed by Chapter 4781. of the Revised Code and the rules promulgated thereunder.

(L) Stop work order.

(1) Upon notice from the inspector that the installation on a manufactured home is proceeding in violation of Chapter 4781. of the Revised Code or the rules promulgated thereunder or in an unsafe and dangerous manner, the installation shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved or to the owner's agent or to the person doing the work; and shall state the conditions under which the installation will be permitted to resume.

(2) Unlawful continuance. Any person that continues the installation on a manufactured home after being served with a stop work order, except such installation components that person is directed to perform to abate a violation or unsafe condition, shall be subject to penalties as prescribed in Chapter 4781. of the Revised Code or the rules promulgated thereunder.

Effective: 12/01/2012

R.C. 119.032 review dates: 10/01/2014

Promulgated Under: 119.03

Statutory Authority: 4781.04, 4781.07

Rule Amplifies: 4781.04, 4781.07, 4781.14

Prior Effective Dates: 7/1/2007, 1/1/2010, 6/2/11

4781-7-02 Certified manufactured home inspectors and/or plans reviewers.

(A) All manufactured home inspectors and/or plans reviewers shall be certified by the commission. Certification shall be valid for three years.

(B) An applicant for inspector and/or plans reviewer shall meet the following:

(1) Experience. The applicant shall meet at least one of the following:

(a) Three years experience in a responsible, directly related construction position such as foreman, which required the ability to effectively read and interpret building plans and specifications; or

(b) Three years experience in an architect or engineer office performing building design or drafting duties or construction supervision; or

(c) An associate's degree (two years) from a college or university in architecture, engineering or building technology; or

(d) Three years as a quality assurance inspector or field service technician in a manufactured homes manufacturing plant; or

(e) Three years as an Ohio licensed manufactured home installer; or

(f) State or national certification (international code council or board of building standards) as a building inspector, residential inspector, or plans reviewer; or

(g) Any combination of experience and education in the manufactured homes construction industry or building construction industry totaling three years as approved by the commission; or

(h) Other equivalent experience as approved by the commission.

(2) Submit a complete application on a form approved by the commission and a nonrefundable fee as set forth in paragraph (H) of this rule.

(3) Successfully complete an approved inspector training course for the certification of manufactured homes inspectors;

(4) Pass the written examination set forth in rule 4781-8-07 of the Administrative Code.

(C) Incomplete applications shall be held open for six months following notification of incomplete requirements by regular mail, facsimile or email. After five months a final notice of incomplete application shall be mailed by certified mail, return receipt requested. If at the end of the six month period the application remains incomplete, it shall be considered abandoned and the applicant shall be required to submit a new application, including any fees.

(D) The commission may approve an installation training course as suitable for an inspection training

course. In addition, the commission may establish and require such training programs in the concept, techniques and inspection of manufactured homes for the personnel of commission certified political subdivisions as the commission deems necessary.

(E) Each certified inspector and/or plans reviewer shall apply for renewal and pay a nonrefundable renewal fee in an amount set forth in paragraph (H) of this rule prior to the expiration date of the certification. If a certified inspector and/or plan reviewer fails to renew his or her certification on or before his or her renewal date, he or she shall pay the renewal fee plus an additional late fee as set forth in paragraph (H) of this rule. The certification shall not be renewed until the certified inspector or plans reviewer has paid the renewal and late fee, if any. If an inspector and/or plans reviewer fails to renew his or her certification prior to the expiration of their certification, the certification shall be placed on lapsed status. An inspector and/or plans reviewer can activate their certification within the first three years of the lapsed status by paying the renewal fee, late fee, complying with the continuing education requirements and all other requirements as set forth in this chapter.

(F) All certified inspectors and/or plans reviewers shall be required to complete a minimum of twelve hours of continuing education training for each certification period. The inspector and/or plans reviewer shall provide the commission with verification of completion of the required continuing education on the appropriate continuing education form.

(G) Certified inspectors and/or plans reviewer.

(1) The commission may set qualifications and contract certified inspectors and/or plans reviewers as the commission deems necessary to carry out additional inspections in all areas of the state.

(2) A copy of all deficiency reports from a certified inspector and/or plans reviewer must be provided to the authority having jurisdiction and the commission. The deficiency report shall include the name and license number of the installer, a list of the deficiency or non-compliant items and the list of corrections and the time period for the installer to correct the listed deficiencies or non-compliant items.

(H) Fees.

(1) The non-refundable certification fee for inspectors and/or plans reviewers shall be fifty dollars for each three year certification period.

(2) The non-refundable certification renewal fee for inspectors and/or plans reviewers shall be fifty dollars.

(3) The non-refundable late fee for certification renewal shall be twenty-five dollars in addition to the renewal fee.

(4) Fees shall be made payable, by check or money order, to "Treasurer, State of Ohio," or by credit card. Any online payment of fees may be subject to a convenience fee as charged to the commission.

(I) The commission may deny, suspend, decertify or refuse to renew the certification of any manufactured home inspector and/or plans reviewer or any inspection agency for any of the following reasons:

- (1) Failure to meet the requirements for a certification or renewal of a certification under Chapter 4781. of the Revised Code;
 - (2) Failure to meet the continuing education requirements for renewal for a certification under Chapter 4781. of the Revised Code;
 - (3) Violation of Chapter 4781. of the Revised Code;
 - (4) Making a false or material misstatement in an application for certification;
 - (5) Inspecting manufactured homes in Ohio without a certification or without being employed as an inspector by a certified building department, health department, or third party agency;
 - (6) The inspector's failure to appear for a hearing before the commission or failure to comply with any final adjudication order of the commission issued pursuant to this chapter;
 - (7) Conviction of a felony or a crime involving moral turpitude;
 - (8) Having had a certification decertified, suspended or denied by the commission during the preceding two years;
 - (9) Having a certification decertified, suspended or denied by another state or jurisdiction within the preceding two years;
 - (10) Engaging in conduct in another state or jurisdiction that would violate Chapter 4781. of the Revised Code if committed in this state;
 - (11) Failing to provide electronic permit/inspection updates on the commission website seal report in a timely manner to be determined by the commission;
 - (12) Acting in a manner that violates the code of ethics for manufactured home inspectors;
 - (13) Violations of OMHC rules and/or policies.
- (J) In addition to or in lieu of suspending, decertifying or refusing to renew a manufactured home inspector's certification for violation of Chapter 4781. of the Revised Code or any rule adopted pursuant thereto, the commission may impose a fine not exceeding one thousand dollars per violation per day.
- (K) Any person whose certification or certification application has been revoked, decertified, denied or not renewed, may request an adjudication hearing within thirty days after receipt of the notice of the action. The hearing shall be held in accordance with Chapter 119. of the Revised Code.
- (L) Reapplication after revocation, denial, or suspension.
- (1) Any person whose certification has been decertified or denied may apply for a new certification two years after the date on which the certification was decertified or denied.

(2) Any person whose certification has been suspended for a period determined by the commission may apply for renewal of the certification within thirty days of the end of the suspension period.

(M) Upon suspension, revocation, or non-renewal, the person shall return the certification and identification card to the commission within three days after receipt of the notice of suspension, revocation or non-renewal.

Effective: 12/01/2012

R.C. 119.032 review dates: 10/01/2014

Promulgated Under: 119.03

Statutory Authority: 4781.04, 4781.07

Rule Amplifies: 4781.04, 4781.07, 4781.14

Prior Effective Dates: 7/1/2007, 1/1/2010, 6/2/11

4781-7-03 Inspection requirements.

(A) Inspection requests.

(1) Three inspections, known as a "footing inspection", an "electrical inspection" and a "final inspection" shall be performed on every manufactured home installed in the state of Ohio where new footings are being constructed in ground. Where existing footings comply with Chapter 4781. of the Revised Code and the rules promulgated thereunder, only the electrical and final inspections shall be required as long as no alterations, repairs, or additions to the existing footings are required to comply with Chapter 4781. of the Revised Code or the rules promulgated thereunder. Additional inspections may be required depending on the type of installation and all inspections shall comply with the requirements of this rule.

(2) A copy of the approved plans or the manufacturer's installation manual shall be at the installation site for the inspector's use. If the approved plans or the manufacturer's installation manual is not at the installation site when the inspector is present for the inspection, no inspection shall be performed by the inspector until the approved plans or manufacturer's installation manual is at the installation site.

(B) Inspection requests.

The permit holder shall request inspections when the manufactured home is ready from the authority having jurisdiction. The inspections shall be performed within seventy-two hours of the request , excluding weekends and holidays. If the authority having jurisdiction is unable to perform the inspection, they shall hire a certified inspector, as defined in paragraph (G) of rule 4781-7-02 of the Administrative Code. If the inspection is not performed within seventy-two business hours, the installer may continue with the installation; however, if the installer continues with the installation and the installation is in violation of Chapter 4781. of the Revised Code and the rules promulgated thereunder, the installer shall be responsible to correct all violations within the time prescribed by the inspector and at the installer's expense. The commission must be notified of any inspection that is not performed due to a non-responsive inspector within seventy-two hours proper notice. The authority having jurisdiction shall make written record of the inspection request including the date and time.

(C) Footing inspections.

(1) New constructed or new poured concrete footings. Inspection of the footing shall be made after the footings excavations have been excavated to solid ground and any required reinforcing steel has been placed and prior to the placing of concrete. The footing inspection shall include excavations for lengthways runners, crossways ribbons, pier pads, perimeter wall footers, slabs, and thickened slabs intended for the support of bearing walls, partitions, columns, piers, structural supports or equipment as applicable to the specific design.

(a) The authority having jurisdiction may provide permit, plan review and inspection for footing or base support system not including installation of a manufactured home, provided the installer make application as prescribed by the commission, and approved for location, and installed in accordance with paragraphs (L) to (P) of rule 4781-6-02.3 of the Administrative Code.

(b) Permit and plan review in paragraph (A) of this rule shall be the same as required in rules 4781-7-09 and 4781-12-05 of the Administrative Code.

(2) Existing footings. Where footings are preexisting and the inspector cannot reasonably inspect the excavation area to confirm that the footings have been constructed on solid ground, no inspection of the preexisting footings shall be required if the preexisting footings are in good and non-deteriorating condition and support the manufactured home. If the inspector determines that the preexisting footings are failing or deteriorating, the footings shall be replaced and the excavation shall be inspected prior to the placing of the new footings. Any and all preexisting footings that were in good and non-deteriorating condition, but upon final inspection shows it does not support the load of the manufactured home, the installer shall replace the footings in accordance with the commission's rules.

(D) Electrical inspections.

(1) Electrical service inspections shall be performed by a state certified electrical safety inspector (ESI) of record certified by the board of building standards who holds the license under Chapter 3783. of the Revised Code. If the electrical service does not meet the national electrical code (NEC), the ESI shall leave a copy of the electrical service inspection checklist, listing the items to be corrected and the items shall be corrected prior to the expiration of the permit. If the electrical service complies with the requirements of the NEC, the ESI who holds the license under Chapter 3783. of the Revised Code shall place an approval sticker on the meter base, leave a copy of the completed electrical service inspection checklist on site, and shall notify the local electrical power company that the manufactured home has passed the electrical service inspection. The licensed installer or the homeowner shall submit a copy of the completed electrical service inspection checklist or any other documentation required by the local electrical power company. The electrical service inspection shall include, but not limited to, electrical system connections from the service point as defined in NEC 2008. Work performed on-site during an installation shall be made prior to covering or concealment, and before fixtures or appliances are set or installed.

(2) Nothing in this rule shall authorize the authority having jurisdiction to inspect components of a manufactured home that were inspected at the factory other than components that may affect the health or safety of the occupant of the manufactured home.

(E) Final inspections.

(1) A final inspection shall be made after the permitted work is complete and prior to occupancy.

(2) The permit holder shall request a final inspection within ten working days of the completion of the manufactured home installation. If the permit holder fails to request a final inspection, the authority having jurisdiction may require the permit holder to pay an investigation and re-inspection fee.

(3) If the person who is responsible for obtaining the permit, fails to obtain the permit prior to commencement of the installation of the manufactured home, the authority having jurisdiction or the commission may charge one and one-half times the current permit fees.

(4) An inspector shall use a commission approved inspection checklist as a minimum when performing final inspection.

(5) Upon approval of the final inspection, the inspector shall place the final inspection seal in the home on the inside face of the electrical panel.

(6) No inspector shall allow the home to be occupied unless the final inspection seal has been placed or the inspector has approved the home for a temporary occupancy.

(F) The inspector may accept inspection reports of approved agencies, provided such agencies satisfy the requirements of the authority having jurisdiction as to qualifications and reliability.

(G) It shall be the duty of the permit holder or the installer to notify the inspector that work is ready for inspection. It shall be the duty of the person requesting any inspections required by Chapter 4781. of the Revised Code or the rules promulgated thereunder to provide access to and means for inspection of such work.

(H) The authority having jurisdiction shall provide an inspection card indicating the inspections required. The inspector shall sign the inspection card by initialing each stage of inspection as it is performed. The inspection card shall be kept with the approved plans and/or the manufacturer's installation manual on the installation site. The inspection card shall be on a form approved by the commission. A lost, damaged or illegible inspection card shall be replaced in accordance with the rules or policies of the authority having jurisdiction.

Effective: 12/01/2012

R.C. 119.032 review dates: 10/01/2014

Promulgated Under: 119.03

Statutory Authority: 4781.04, 4781.07

Rule Amplifies: 4781.04, 4781.07

Prior Effective Dates: 1/1/2007, 1/1/2010, 6/2/11

4781-7-04 Building departments and health departments; requirements for certification to perform inspections of manufactured homes.

(A) Before exercising authority to enforce Chapter 4781. of the Revised Code or the rules promulgated thereunder, and before accepting and approving plans pursuant to Chapter 4781. of the Revised Code or the rules promulgated thereunder, municipalities, townships and county building departments and health departments and their required personnel shall be certified by the commission.

(B) A building department certified by the board of building standards shall submit an application for certification or renewal on a form approved by the commission that includes:

(1) A copy of the board of building standards certificate of approval including the statement of conditions and limitations if any under which it has been issued;

(2) The names, addresses and qualification of persons, firms or corporations contracting to furnish work or services if such persons, firms or corporations are under contract to furnish inspection services and if authority is exercised pursuant to the contract. A minimum of one inspector certified by the commission, a back-up inspector certified by the commission, and an electrical safety inspector (ESI) as employees or under contract are required;

(3) The names of other municipal corporations, townships, counties, health districts or other political subdivisions contracting work or services if such other political subdivision is under contract to furnish services related to manufactured home installation inspection;

(4) A signature of an authorized representative or an appropriate official for the political subdivision;

(5) Proof of the approval of the governmental entity through the adoption of ordinance or resolution granting authority for the work contracted with the commission;

(6) Map of the jurisdictional area ; and

(7) Inspection and plans review procedures.

(C) Each department shall be required to provide to the commission daily website updates to the commission seal report regarding permit issuance activities pursuant to these rules, within twenty-four hours after the issuance of an installation permit.

(D) The commission shall be provided with notification of changes in personnel of the department who enforce the rules of the commission within thirty calendar days after such personnel changes have been made.

(E) The commission may revoke a building department's certification following an investigation which establishes that the building department or its employees violated Chapter 4781. of the Revised Code or rules promulgated thereunder. The commission may initiate an investigation on its own motion or upon receipt of a complaint. If the commission proposes to revoke an inspector or a building

department's certification, the commission shall conduct a hearing pursuant to Chapter 119. of the Revised Code. If the commission finds that the building department inspector or the building department has violated the rules, the commission may decertify, suspend or issue a fine or a combination thereof. Any fine imposed cannot exceed one thousand dollars per violation per day. A building department employee inspector or the building department shall return the certification and identification card to the commission within three business days after receipt of the commission's order.

(F) A building department's certification shall be valid for three years. Each building department shall apply for renewal of its certification prior to the expiration date of its certification date and pay a non-refundable renewal fee in an amount set forth in paragraph (G) of this rule. If the building department fails to renew its certification on or before the expiration of its certification, it shall pay the renewal fee plus an additional late fee as set forth in paragraph (G) of this rule. The certification shall not be renewed until the building department has paid the renewal and the late fee, if any. If the building department fails to renew its certification prior to the expiration of the certification, the certification shall be placed on lapsed status. A building department can activate their certification within the first three years of the lapsed status by paying the renewal fee and late fee, if any, and complying with all other requirements.

(G) Fees. There is no fee for a board of building standards certified building department requesting commission certification or renewal.

(H) A building department not certified by the board of building standards or health department may be certified by the commission in accordance with this rule provided the following is submitted:

(1) Information required in paragraphs (B) to (F) of this rule;

(2) The following additional information:

(a) A copy of the ordinance/resolution creating the department including the date established;

(b) An organizational chart of the department;

(c) List of employees or independent contractors who will be performing the inspections or plans review. A minimum of one inspector certified by the commission, a back-up inspector certified by the commission, and an electrical safety inspector (ESI) as employees or under contract are required;

(d) Copy(ies) of all contractual agreements, if any, regarding any persons or employee that will be providing inspections, plans review, electrical inspections, sewer connection inspections, and plumbing inspections;

(e) Operating budget for the current fiscal year;

(f) Population data from the last census.

(3) Fees: There is no fee for a building department not certified by the board of building standards or health department requesting commission certification or renewal.

(I) If a building department not certified by the board of building standards or health department fails to renew its certification on or before the expiration of its certification, it shall pay the renewal fee plus an additional late fee, if any, as set forth in paragraph (H)(3) of this rule. The certification shall not be renewed until the department has paid the renewal and the late fee, if any. If the department fails to renew its certification prior to the expiration of the certification, the certification shall be placed on lapsed status. A department can activate their certification within three years of the lapsed status by paying the renewal fee and late fee, if any, and complying with all other requirements.

(J) After an investigation, if a finding of facts establishes that a building department or health department certified under paragraph (H) of this rule or any of their employees has not complied with Chapter 4781. of the Revised Code or the rules promulgated thereunder, the commission may decertify the department. The commission may initiate and investigation on its own motion or upon receipt of a complaint. If the commission proposes to decertify an inspector employed by or retained by a building department or health department, the commission shall conduct a hearing pursuant to Chapter 119. of the Revised Code. If the commission finds that the department employee or inspector or the department has violated this chapter, the commission may decertify, suspend or issue a fine or a combination thereof. Any fine imposed cannot exceed one thousand dollars per violation per day. A department's inspector or the department shall return the certification and identification card to the commission within three business days after receipt of the commission's order.

(K) As it relates to installation inspections, there will be no exclusivity under this commission's authority. A certified building department or certified health department may contract with a jurisdiction outside its respective political subdivision to perform non-exclusive manufactured home installation inspections in that political subdivision, but if so, must notify the Ohio manufactured homes commission of the non-exclusive agreement and must provide a copy of the executed contract to the commission prior to permitting/inspecting outside of their jurisdiction.

Effective: 12/01/2012

R.C. 119.032 review dates: 10/01/2014

Promulgated Under: 119.03

Statutory Authority: 4781.04, 4781.07

Rule Amplifies: 4781.04, 4781.07

Prior Effective Dates: 1/1/2007, 1/1/2010, 6/2/11

4781-7-05 Certified third party plans review agencies and certified third party inspection agencies.

(A) The commission may contract with certified third party plans review agencies for plans review services and/or certified third party inspection agencies to perform inspections. The commission may also hire staff to perform these functions.

(B) The certified third party plans review and/or inspection agencies must provide the following information to the commission:

(1) The name, address, and telephone number of the third party plans review and/or inspection agency; names and addresses of all owners, shareholders, partners, limited liability companies and/or directors with a five percent share or larger of the business. If any of the owners, shareholders, partners, limited liability companies and/or directors is corporately owned, the names and addresses must include the real persons' names through each layer of ownership.

(2) Provide notification of any felony conviction(s) to the commission for all owners, partners, directors and shareholders with a five per cent share or larger, as required by the commission on a form provided by the commission. Owners, partners, directors or shareholders having a felony conviction may be denied as third party plans review and/or inspection agency by the commission.

(3) Provide notification of any owners, shareholders, partners, limited liability companies and/or directors who also have a five percent share or larger in any manufactured home installation company, manufactured home retail lot, manufactured home development, manufactured home park, manufactured home manufacturer, or manufactured home equipment supplier. If any of the owners, shareholders, partners, limited liability companies and/or directors is corporately owned the names and addresses must include the real persons' names through each layer of ownership. The commission may limit the jurisdictional area where the third party plans review agency and/or third party inspection agencies may perform plan review or inspections of manufactured homes or deny certification as a third party plans review and/or inspection agency based upon a conflict of interest.

(C) Third party plans review and/or inspection agencies shall apply to the commission for certification on a form approved by the commission. Principals of a third party plans review and/or inspection agency are required to have at least two years experience in inspecting manufactured homes or have inspected at least fifteen manufactured homes which must be verified by a previous employer who is certified as an inspection agency with the commission or other experience as approved by the commission.

(D) Each third party inspection and/or plans review agency shall be required to provide computer website input for operational reporting regarding activities pursuant to this chapter within twenty-four hours of issuing a permit for public viewing on the OMHC website at www.omhc.ohio.gov.

(E) Any third party agency who enforces rules shall notify the commission of changes in personnel within thirty calendar days after such personnel changes have been made. A minimum of one inspector certified by the commission, a back-up inspector certified by the commission, and an electrical safety inspector (ESI) as employees or under contract are required.

(F) Third party inspectors and plans reviewers.

(1) Inspectors for certified third party inspection and/or plans review agencies shall meet and be subject to all the requirements for inspectors in rule 4781-7-02 of the Administrative Code.

(2) Third party inspectors and/or plans reviewers shall be held to the ethics standards for inspectors in accordance with rule 4781-7-06 of the Administrative Code. Third party agencies that are not subject to the standards of the state ethics laws, including Chapter 102. of the Revised Code, shall be held to rule 4781-7-06 of the Administrative Code.

(G) Certification for all third party inspection and/or plans review agencies is effective for three years. If a third party agency fails to renew its certification on or before the expiration of its certification, the certification shall be placed on lapsed status. A third party agency can activate their certification within the first three years of the lapsed status by paying the renewal fee and late fee, if any, and complying with all other requirements.

(H) A third party inspection and/or plans review agency must maintain insurance and/or bonding requirements as prescribed by the commission during the duration of the certification period. Failure to do so will cause the certification to be placed on inactive status.

(I) No certified third party inspection agency may contract with any political subdivision within the state to be the sole provider of manufactured home installation inspections in any political subdivision of the state.

(J) After an investigation, if a finding of fact establishes that a third party plan review agency and/or third party inspection agency or any of their employees has not complied with Chapter 4781. of the Revised Code or the rules promulgated thereunder, the commission may decertify the third party agency. The commission may initiate an investigation on its own motion or upon receipt of a complaint. If the commission proposes to decertify a third party inspection and/or plans review agency or an inspector employed by or retained by a third party inspection agency and/or plans review agency, the commission shall conduct a hearing pursuant to Chapter 119. of the Revised Code. If the commission finds that the third-party employee inspector or the third-party inspection agency and/or plans review agency has violated the rules, the commission may decertify, suspend or issue a fine or a combination thereof. Any fine imposed cannot exceed one thousand dollars per day per violation. A third-party employee inspector or the third-party inspection agency and/or plans review agency shall return the certification and identification card to the commission within three business days after receipt of the commission's order.

(K) Fees.

(1) The non-refundable fee for application or renewal for certification of a third party inspection agency and/or a third party plans review agency shall be three hundred dollars for each.

(2) The non-refundable late fee for certification renewal shall be one hundred fifty dollars in addition to the renewal fee.

(3) The non-refundable fee for the final inspection seal charged to a third party plans review and/or inspection agency shall be one hundred dollars and shall be paid for prior to issuing a permit.

(4) Fees shall be made payable by check or money order to "Treasurer, State of Ohio," or by credit card. Any online credit card payments may be subject to a convenience fee as charged to the commission.

Effective: 12/01/2012

R.C. 119.032 review dates: 09/14/2012 and 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.121

Prior Effective Dates: 1/1/2007, 1/1/2010, 6/2/2011

4781-7-06 Code of ethics for certified inspectors and/or certified plans reviewers.

(A) General.

(1) To safeguard the health, safety and welfare of the public and the state of Ohio, to maintain integrity and high standards of skills and practice in the manufactured home inspector, and the plans reviewer shall follow the rules of professional conduct under Chapter 4781. of the Revised Code and the rules promulgated thereunder which shall be binding upon every person holding a certification as a manufactured home inspector and/or plans reviewer in Ohio. In addition, certified manufactured homes inspectors and/or plans reviewers are required to meet the ethics of the state of Ohio ethics standards under Chapter 102. of the Revised Code.

(2) The manufactured home inspector and/or plan reviewer certified by the commission are presumed to have knowledge of Chapter 4781. of the Revised Code and the rules promulgated thereunder regarding the installation of manufactured homes and the standards of conduct under this rule for certified manufactured home inspectors and/or plans reviewer and the certified manufactured home inspector and/or plans reviewer shall be forthright and candid in statements or written responses to the commission or its representatives on matters pertaining to professional conduct.

(B) Code of ethics for certified manufactured home inspectors and/or plans reviewers.

(1) The manufactured home inspector and/or plans reviewer shall protect the health, safety, and welfare of the public and his or hers colleagues in the performance of his or hers professional duties. If a situation arises which threatens the health, safety, or welfare of the public or the certified manufactured homes inspector and/or plans reviewer's colleagues, the certified manufactured homes inspector and/or plans reviewer shall:

(a) Advise the licensed installer immediately and provide the installer opportunity for timely correction of the violation(s);

(b) Notify the proper authority; and

(c) Notify the commission within one business day.

(2) The certified manufactured homes inspector and/or plans reviewer shall undertake only those assignments which the certified manufactured homes inspector and/or plans reviewer is qualified by training, education, and experience to perform. If the competence of a certified manufactured homes inspector and/or plans reviewer comes into question, the certified manufactured homes inspector and/or plans reviewer shall cooperate in any investigation by the commission.

(3) The certified manufactured homes inspector and/or plans reviewer shall be completely objective in any professional report, statement or testimony.

(4) The certified manufactured homes inspector and/or plans reviewer shall at all times act with complete integrity for each client and shall be honest in all dealings with customers, the commission,

his or her colleagues, and the public.

(5) The certified manufactured home inspector and/or plans reviewer shall respond promptly to all complaints.

(6) The certified manufactured home inspector and/or plan reviewer shall keep current knowledge of the products, methods, techniques and technology associated with the installation of manufactured homes and with related inspection practices.

(7) The certified manufactured home inspector and/or plans reviewer shall not authorize or approve any installation by any non-homeowner other than a manufactured home installer licensed by the commission.

(8) The certified manufactured home inspector and/or plans reviewer who has knowledge or reason to believe that another person is violating any of the provisions of Chapter 4781. of the Revised Code or any provision of the rules promulgated thereunder, shall immediately notify the commission in writing.

(9) The certified manufactured home inspector and/or plans reviewer shall not directly or indirectly receive or solicit or request, anything of value except normal, legal and customary compensation for professional employment and services.

(10) The certified manufactured home inspector and/or plans reviewer shall not falsify or misrepresent his or her professional qualifications, and shall not misrepresent or exaggerate his or her responsibilities, skills or competency.

(11) The certified manufactured home inspector and/or plans reviewer shall conduct every inspection in a professional manner with respect for the property being inspected. The certified manufactured homes inspector and/or plans reviewer shall not require a certified manufactured homes inspector and/or plans reviewer to perform any destructive testing.

(12) The certified manufactured homes inspector and/or plans reviewer shall not pass judgment on the value of a manufactured home, property or recommend the purchase of a manufactured home or property.

(13) Misrepresent his or her qualifications to the commission in an application for certification under Chapter 4781. of the Revised Code or the rules promulgated thereunder.

(14) Certified manufactured homes inspector and/or plans reviewer shall avoid conflicts of interest or activities which compromise or appear to compromise professional independence, objectivity or inspection and/or plans review integrity.

(15) Certified manufactured homes inspector and/or plans reviewer shall not inspect properties in which they have or expect to have a financial interest.

(16) Certified manufactured homes inspector and/or plans reviewer shall not inspect properties under contingent arrangements whereby any compensation or future referrals are dependent on the certified manufactured homes inspector and/or plans reviewer approving the plans or issuing a final inspection seal or issuing a temporary inspection seal and temporary occupancy permit or on the sale of a

property.

(17) Certified manufactured homes inspector and/or plans reviewer shall not accept compensation directly or indirectly for recommending contractors, services or products to inspection clients or other parties having an interest in the manufactured home business or the related services or parties.

(18) Certified manufactured homes inspector and/or plans reviewer shall not repair, replace, or upgrade a system or component of a manufactured home, or perform any other service not relating to an inspection of a manufactured home, for compensation or otherwise, for one year before or after the inspection and/or plans review for that property.

(C) Conviction of a felony, or the revocation or suspension of a certification or license in another jurisdiction for conduct that would violate Chapter 4781. of the Revised Code or the rules promulgated thereunder if it occurred in the state of Ohio may be grounds for the commission to charge the inspector with a violation of this rule. If the commission proposes to decertify an inspector and/or plans reviewer, the commission shall conduct a hearing pursuant to Chapter 119. of the Revised Code.

(D) Each certified manufactured homes inspector and/or plans reviewer shall keep a true and accurate record of all inspections and business transactions relevant to the enforcement of Chapter 4781. of the Revised Code and the rules promulgated thereunder in the certified manufactured homes inspector and/or plans reviewer business office. Such records shall be available during normal business hours for inspection and copying by the commission, its staff or its designee.

(E) The commission may conduct a hearing pursuant to Chapter 119. of the Revised Code when any Ohio certified manufactured homes inspector and/or plans reviewer violates the commission rules. If the commission finds that the inspector and/or plans reviewer has violated the rules, the commission may decertify, suspend, issue a fine, or a combination thereof. Any fine imposed cannot exceed one thousand dollars per day per violation. An Ohio certified manufactured homes inspector and/or plans reviewer shall return his or her certification and identification card to the commission within three business days after receipt of the commission's order decertifying the inspector and/or plans reviewer.

Effective: 12/01/2012

R.C. 119.032 review dates: 10/01/2014

Promulgated Under: 119.03

Statutory Authority: 4781.04, 4781.07

Rule Amplifies: 4781.04, 4781.07

Prior Effective Dates: 1/1/2007, 1/1/2010, 6/2/2011

4781-7-07 Commission appeals.

(A) In order to hear and decide appeals of orders or decisions or determinations made by the inspector relative to the application and interpretation of Chapter 4781 of the Revised Code or the rules promulgated thereunder, the commission, or its designee shall hear appeals. The commission may appoint a designee to hear appeals or may hear the appeals directly. If the commission appoints a designee to hear the appeals, the designee shall make a written recommendation to the commission who shall consider the written recommendation at its next regularly scheduled commission meeting. The commission shall render all final orders and findings in writing to the appellant with a duplicate copy to the inspector.

(B) An application for appeal shall be based upon the statute (Chapter 4781 of the Revised Code) and the rules promulgated thereunder have not been correctly interpreted, the provisions of the Revised Code do not fully apply, or an equally good or better form of installation is proposed.

(C) The designee shall be qualified by experience and training to rule on matters pertaining to building construction, and manufactured home installation and are not employees of the authority having jurisdiction or of the home manufacturer, retailer, or installer for a period of one year before or after the hearing.

(D) The inspector shall take immediate action in accordance with the final order

of the commission .

Effective: 01/01/2010

R.C. 119.032 review dates: 10/16/2009 and 10/01/2014

Promulgated Under: 119.03

Statutory Authority: R.C. 4781.04, 4781.07

Rule Amplifies: R.C. 4781.04, 4781.07

Prior Effective Dates: 1/1/2007

4781-7-08 Duties and powers of the inspector.

(A) General.

(1) The authority having jurisdiction shall enforce Chapter 4781. of the Revised Code and the rules promulgated thereunder. The authority having jurisdiction and the inspector shall:

(a) Render interpretations of Chapter 4781. of the Revised Code and the rules promulgated thereunder.

(b) Adopt policies and procedures in order to clarify the application of Chapter 4781. of the Revised Code and the rules promulgated thereunder.

(2) Such interpretations, policies, and procedures adopted by the authority having jurisdiction shall comply with the intent and purpose of Chapter 4781. of the Revised Code and the rules promulgated thereunder. Such policies and procedures shall not waive any of the requirements under Chapter 4781. of the Revised Code and the rules promulgated thereunder.

(3) Where there is a specific conflict, the commission interpretations of its statutes or rules , shall be binding on the authority having jurisdiction.

(B) Applications for permits and plans review.

(1) The authority having jurisdiction shall receive permit applications, review plans and issue permits for the installation of manufactured homes in compliance with the provisions of Chapter 4781. of the Revised Code and the rules promulgated thereunder.

(2) The authority having jurisdiction shall issue all permits, approvals of plan reviews, directives and/or all necessary notices or orders to ensure compliance with Chapter 4781. of the Revised Code and the rules promulgated thereunder.

(3) The authority having jurisdiction may charge additional fees for permits, inspections, and plans review as set forth in rule 4781-7-09 of the Administrative Code.

(C) Inspection authority.

(1) The authority having jurisdiction shall make all the required inspections and shall accept or reject any reports of inspection by approved agencies or by the person responsible for the installation of the manufactured home. Reports of inspections shall be in writing and be signed by the responsible officer of the approved agency or by the responsible person or approved agency.

(D) Identification. The inspector, upon request, shall present his or her commission approved credential when inspecting the installation of manufactured homes.

(E) Right of entry. Where it is necessary to make an inspection to enforce the provisions of Chapter 4781. of the Revised Code and the rules promulgated thereunder, or where the inspector has reasonable cause to believe that there exists in a manufactured home a condition in violation of

Chapter 4781. of the Revised Code and/or the rules promulgated thereunder, that renders the manufactured home unsafe, dangerous or hazardous, the inspector shall be authorized to enter the manufactured home to inspect or perform his or her duties imposed by Chapter 4781. of the Revised Code or the rules promulgated thereunder, provided that credentials be presented and entry be requested of the installer, the owner or other person having charge or control of the manufactured home. If entry is refused the inspector shall have recourse to remedies provided by law to secure entry and shall not enter until proper approval is granted.

(F) The authority having jurisdiction shall keep official records of applications received, permits and seals issued, fees collected, reports of inspections and notices and orders issued. Such records shall be retained in the official records for the period required for the retention of public records. Upon termination of certification, all records must be delivered to the commission office as prescribed.

(G) Liability.

Liability of authority having jurisdictions' personnel for any tortious act will be determined by Ohio courts under Chapter 2744. of the Revised Code. The provisions of Chapter 2744. of the Revised Code are not applicable to third party plans review and/or inspection agency's personnel.

(H) Approved materials and equipment. Materials, equipment, and devices approved by the inspector shall be installed in accordance with such approval. Used materials equipment and devices shall not be reused unless approved by the inspector.

(I) Other designs, installations or equipment.

(1) Alternative materials design and methods of installation or equipment.

(a) These rules do not prohibit the installation of any material or prohibit any design or method of installation that has not been specifically prescribed by Chapter 4781. of the Revised Code and the rules promulgated thereunder, as long as any alternative method, design, or material has been approved by the commission.

(b) Alternative materials, designs or methods of installation shall be approved where the commission only if the commission determines that the proposed material, design or method complies with the intent and the purpose of the provisions of Chapter 4781. of the Revised Code or the rules promulgated thereunder, and that the material, design, or method is for the purpose intended and at least the equivalent of the standards prescribed in Chapter 4781. of the Revised Code and the rules promulgated thereunder.

(c) Compliance with specific performance-based provisions of the HUD MHCSS or the residential code of Ohio or of the international codes in lieu of specific requirements of these rules may be permitted as an alternative.

(2) Tests.

(a) Whenever there is insufficient evidence for compliance with the provisions of Chapter 4781. of the Revised Code and the rules promulgated thereunder or evidence that a material, design or method does not conform to the requirements of Chapter 4781. of the Revised Code and the rules promulgated

thereunder, the inspector or the commission shall have authority to require tests of the proposed material, design or method for evidence of compliance at no expense to the jurisdiction.

(b) Test methods shall be as specified in Chapter 4781. of the Revised Code and the rules promulgated thereunder or by other recognized test standards.

(c) Tests shall be performed by an agency approved by the Ohio board of building standards, HUD or the commission. In the absence of recognized and accepted test methods, the inspector, or the commission shall approve the testing procedures.

(d) Reports of tests shall be retained by the authority having jurisdiction for the period required for retention of public records.

(3) Submission of a valid research report from an evaluation service that supports the efficacy of use of any material, appliance, equipment or method not specifically provided for in Chapter 4781. of the Revised Code and the rules promulgated thereunder, or that demonstrates compliance with Chapter 4781. of the Revised Code and the rules promulgated thereunder may be used as evidence of compliance with Chapter 4781. of the Revised Code and the rules promulgated thereunder. Evaluation services include but are not limited to BOCA-ES, ICBO-ES, SBCCI-ES, NES and ICC-ES.

Effective: 12/01/2012

R.C. 119.032 review dates: 10/16/2014

Promulgated Under: 119.03

Statutory Authority: 4781.04, 4781.07

Rule Amplifies: 4781.07

Prior Effective Dates: 1/1/2007, 1/1/2010

4781-7-09 Permits and plans review for manufactured homes.

(A) The authority having jurisdiction shall issue written permits, perform plans reviews and conduct inspections for manufactured homes. A permit shall not be valid unless the permit is in writing and the non-refundable inspection fees and final commission inspection seal has been paid at the time of the application for a permit. The cost of the permit is equal to the cost of inspections and the OMHC seal. When you pay for inspections, you are paying for the permit and vice-versa. Payment of the inspections and permit are non-refundable. Once an OMHC final seal is paid for and not used or placed on a home for any reason, it must be returned to the commission, with the word "abandoned" on the face of the seal in permanent ink.

(B) Any owner or installer or authorized agent of the owner or installer, who intends to install a manufactured home or cause any work to be done on a manufactured home which is regulated by Chapter 4781. of the Revised Code or the rules promulgated thereunder, shall first make application for a permit and submit plans for approval to the authority having jurisdiction and obtain the required permit.

(C) To obtain a permit, the applicant shall file an application in writing on a form provided by the authority having jurisdiction for that purpose. The application shall:

- (1) Identify and describe the work to be covered by the permit for which application is made;
- (2) Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed home site;
- (3) Be accompanied by a foundation design, the plans to be approved, if any, and any other information as required by the authority having jurisdiction;
- (4) Be signed by the applicant or the applicant's agent;
- (5) Identify the installer or installers by name and license number;
- (6) Any other information required by the authority having jurisdiction.

(D) Plans review. The authority having jurisdiction shall examine or cause to be examined applications for permits and amendments to permits within a reasonable time after filing. If the application or other documents do not conform to the requirements of the pertinent laws, the authority having jurisdiction shall reject the application in writing and state the reasons for the rejection. If the authority having jurisdiction is satisfied that the work conforms to the requirements of Chapter 4781. of the Revised Code and the rules promulgated thereunder and laws and ordinances applicable, the authority having jurisdiction shall issue a permit as soon as practicable.

(E) Time limitations. An application for a permit for any proposed work shall be deemed to have been abandoned after sixty days from the date of filing, unless the application has been pursued in good faith or a written permit has been issued; except the authority having jurisdiction may grant one extension of time in writing not to exceed sixty days. The extension shall be requested in writing and good cause demonstrated. The authority having jurisdiction shall not grant more than one extension.

(F) Validity. The issuance or granting of a written permit shall not be construed as an approval of any violation of any of the provisions of these rules or of any other ordinance of the jurisdiction having authority. Permits presuming to give authority to violate Chapter 4781. of the Revised Code, the rules promulgated thereunder, or any other ordinances of the authority having jurisdiction shall not be valid. The issuance of a written permit based on approved plans, alternative design, or the manufacturer's installation manual and/or any other documents approved by the authority having jurisdiction shall not prevent the certified manufactured homes inspector and/or plans reviewer from requiring the correction of errors in the approved plans, alternative design, or the manufacturer's installation manual and/or any other documents approved by the authority having jurisdiction. The inspector may prohibit occupancy of a manufactured home that is in violation of Chapter 4781. of the Revised Code, the rules promulgated thereunder, or any other ordinances of the authority having jurisdiction.

(G) Expiration. Every permit shall become invalid after one hundred eighty days from the date of issuance, or if the work authorized by a permit is suspended or abandoned for a period of more than sixty days after the date the work is commenced. The certified manufactured home inspector may grant an extension of time to commence or finish the work authorized by the permit. Any extension of time is at the sole discretion of the authority having jurisdiction and the request for the extension shall be made in accordance with the authority having jurisdiction for ordinances, laws, rules, policies, or procedures and shall not exceed one hundred eighty days.

(H) Suspension or revocation of a permit. In accordance with these rules, the certified manufactured homes inspector may suspend or revoke a permit issued under Chapter 4781. of the Revised Code, or the rules promulgated thereunder wherever the permit was issued in error or on the basis of incorrect, inaccurate or incomplete information or in violation of any ordinance or regulation or any of the provisions of Chapter 4781. of the Revised Code or the rules promulgated thereunder. All fees for inspections, permits and/or OMHC seals are non-refundable.

(I) Placement of permit. The manufactured home installation permit shall be conspicuously displayed on the front window of the manufactured home and the installation permit can be seen from a distance of twenty-five feet facing the frontage roadway, drive or right of way. The installation permit shall be kept on the installation site until the inspector has issued and placed the final commission inspection seal. Any plans, specifications, manufacturer installation manuals, manufacturer equipment specification sheets, cut-sheets, or any other documents pertinent to the installation of the manufactured home shall be kept on site for the inspector's review and use in the inspections to insure that the manufactured home installation complies with the commission's rules. The installer and the inspector shall agree on the placement of these documents to be kept on site in a secured and safe location. It is the responsibility of the installer to communicate with the inspector on the placement of these documents.

(J) Installation documents. The authority having jurisdiction may require the person applying for the permit to provide the original and a copy of the approved plans, approved alternative designs, or a copy of the manufacturer's installation manual or any other installation documents the authority having jurisdiction requests with each application for a permit. For the purpose of this rule, installation documents means, but is not limited to, floor plans and/or foundation design details. Designs contained in this standard, or prepared by the manufactured home manufacturer's DAPIA, or an Ohio registered engineer or architect shall be submitted where required. Where special conditions exist, the inspector may require additional documents to be prepared by an Ohio registered engineer or architect.

(K) Manufacturer's installation instructions for the manufactured home, tie downs, anchors, plumbing, mechanical, gas, electrical system details, and for any devices or proprietary systems used during the installation or for other equipment or devices installed shall be kept on the site.

(L) Areas prone to flooding. For manufactured home parks, the requirements under rule 4781-12- 07.2 of the Administrative Code shall apply. For manufactured homes in flood hazard areas not located in manufactured home parks, the installer shall provide the following information:

(1) Delineation of flood hazard areas, floodway boundaries, and flood zones, and the design flood elevations as appropriate;

(2) The elevation of the proposed lowest floor including basement; in areas of shallow flooding (AO zones) the height of the proposed lowest floor including basement above the highest adjacent grade; and grade;

(3) The elevation of the bottom of the lowest horizontal structural member in coastal high hazard areas (v zone);

(4) If design flood elevations are not included on the community's flood insurance rate map, the inspector and the applicant for the permit shall obtain design flood elevation and floodway data available from other sources; and

(5) Additional requirement of the local flood authority, if any or program manager of the Ohio flood plain management program; ODNR-division of water (614-265-6754).

(M) Site plan. The documents submitted with the application for permit shall be accompanied by a site plan showing the size and location of the manufactured home and existing structures on the site and distances from lot lines. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot.

(N) The certified manufactured homes inspector and/or plans reviewer shall examine or cause to be examined documents for compliance with Chapter 4781. of the Revised Code and the rules promulgated thereunder, the applicable standards, local ordinances or building code. When the authority having jurisdiction issues a written permit, the documents shall be approved in writing or by stamp. One set of documents so reviewed shall be retained by the authority having jurisdiction. The other set shall be returned to the applicant, and shall be kept at the installation site and shall be open to inspection by the inspector or his or her authorized representative.

(O) Amended construction documents. Amended construction documents must be approved prior to the work being completed. Any work performed prior to approval by the authority having jurisdiction is at the risk of the owner/installer and may not get an approval.

(P) Retention of documents. One set of approved installation documents shall be retained by the authority having jurisdiction for a period of not less than one hundred eighty days from the date of completion of the permitted work or as required by state or local laws or as required by the retention schedule of the authority having jurisdiction.

(Q) Fees.

(1) A permit shall not be valid until all fees have been paid. Nor shall an amendment to a permit be released until the additional fee, if any has been paid. On manufactured homes, electrical, gas, mechanical and plumbing system installations a fee for each permit type shall be paid in accordance with the schedule of the commission and/or the authority having jurisdiction.

(2) If the installation of a manufactured home has commenced or been completed prior to the application of the permit or the issuance of a written permit by the authority having jurisdiction, the authority having jurisdiction may assess an additional fee not to exceed the actual cost to determine compliance and in no case shall exceed one and one-half times the permit fee and the inspection fees. A mandatory late permit charge of fifty dollars must be paid to the Ohio manufactured homes commission at the time of permit issuance. This shall be paid by a separate payment and the check must be made payable to "Treasurer - state of Ohio."

(3) The authority having jurisdiction may establish a refund policy.

Effective: 12/01/2012

R.C. 119.032 review dates: 10/01/2014

Promulgated Under: 119.03

Statutory Authority: 4781.04, 4781.07

Rule Amplifies: 4781.07

Prior Effective Dates: 7/1/2007, 1/1/2010, 6/2/2011

4781-7-10 Commission plans reviews and installation inspections.

(A) In political subdivisions, municipal corporations, townships, or counties where no building department or health department is certified by the commission pursuant to rule 4781-7-04 of the Administrative Code, and no third party agency is certified by the commission in accordance with rule 4781-7-05 of the Administrative Code, the commission staff may perform plans reviews or inspections. The commission staff may also perform plans reviews or inspections in areas where there is a commission certified building department, health department or third party agency, when the certified building department, health department or third party agency is unable to perform inspections in a timely manner. The commission staff may perform plans reviews and inspections in any area, for any reason as it deems necessary to maintain the requirements set forth in Chapter 4781-7-01 of the Administrative Code. The inspections and plans reviews set forth in this rule are for the purpose of ensuring that installations of manufactured homes conform with the standards pursuant to Chapter 4781-6 of the Administrative Code and are not investigation inspections under rule 4781-8-08 of the Administrative Code or as part of dispute resolution investigations under rule 4781-10-01 of the Administrative Code.

(B) Non-refundable fees charged by the commission for the inspection(s), and plans reviews and inspections shall be as follows:

(1) The fee for plans review shall be fifty dollars.

(2) The fee for a footing inspection shall be one hundred dollars.

(3) The fee for a final inspection shall be one hundred dollars.

(4) The fee for an electrical safety inspection shall be one hundred dollars.

(5) The fee for additional inspections to ensure compliance with Chapter 4781. of the Revised Code and/or the rules promulgated thereunder shall be one hundred dollars where the additional inspection is performed on a separate trip to the manufactured home from the inspections in paragraph (B)(2), (B)(3) or (B)(4) of this rule. Examples of such additional inspections include but are not limited to: re-inspections, existing footing inspections, site preparation inspections, plumbing inspections, mechanical inspections, electrical inspections, sewer connection inspections, and inspections as required by the inspector having jurisdiction, or as requested by the licensed installer or home owner, or designee.

(6) The fee for a commission performed inspection and replacement of the OMHC seal when the inspection is provided by the commission shall be current commission approved price of the seal plus the actual cost of the inspection plus twenty per cent overhead.

(7) The fee for a temporary occupancy permit when the inspection is provided by the commission shall be seventy-five dollars plus twenty per cent overhead.

(8) The fee for a final inspection seal shall be one hundred dollars and the fee for a temporary occupancy permit shall be seventy-five dollars. The fee for a replacement final inspection seal a temporary occupancy permit shall be the same as the original.

(9) If the commission delegates any part of the inspection to a third party, the fee for that plans review, inspection or part of an inspection shall be the cost to the commission for the delegated inspection plus twenty per cent overhead.

(10) All fees shall be paid by check or money order payable to "Treasurer, State of Ohio" or by credit card. Any online credit card payment may be subject to a convenience fee as charged to the commission.

Effective: 06/02/2011

R.C. 119.032 review dates: 10/01/2014

Promulgated Under: 119.03

Statutory Authority: 4781.04, 4781.07, 4781.14

Rule Amplifies: 4781.04, 4781.07, 4781.14

Prior Effective Dates: 07/01/2007, 01/01/2010

4781-8-01 Installer licenses; application; identification cards and certificates.

(A) The commission shall govern the issuance, revocation, and suspension of licenses to manufactured home installers. No person shall install a manufactured home in Ohio without having a valid license from the commission except as provided for under rule 4781-8-05 of the Administrative Code.

(B) An application shall be on a form the commission prescribes and shall provide the following information:

(1) A check or money order made payable to "Treasurer, State of Ohio," or by credit card (with additional convenience fee) in the amount set forth in paragraph (G) of this rule.

(2) Applicant's name and mailing address;

(3) Applicant's date of birth;

(4) A passport-size photograph with an original signature on the back, or a clear copy of a state drivers license or state identity card;

(5) A list of other states in which the applicant holds an installer's license and a copy of those licenses;

(6) A list of the five most recent manufactured homes or home components that the applicant has installed in Ohio, including the name, mailing address, and telephone number of the home owner;

(7) Three references from persons who are licensed installers, retailers, manufacturers, or manufactured home park operators, design professionals, or certified manufactured home inspectors familiar with the applicant's installation work experience and competency;

(8) A notarized statement from a supervisor, or another responsible person, attesting to the applicant's experience installing manufactured homes for at least one year, including the name, mailing address, and telephone number of the applicant's supervisor, or another responsible person on the most recent project;

(9) A certificate of completion demonstrating that the applicant has completed an installation training course approved by the commission within six months of the date of the application;

(10) Examination.

(a) The applicant shall take and pass the installation examination, as set forth in rule 4781-8-07 of the Administrative Code.

(b) The applicant shall provide evidence of passing the installation examination as set forth in rule 4781-8-07 of the Administrative Code.

(11) Evidence of compliance with section 4123.35 of the Revised Code with respect to the payment of premiums for worker's compensation. Evidence may include a legible copy of the worker's

compensation certificate with number visible;

(12) A statement regarding felony convictions;

(13) Evidence that the applicant or his or her employer has insurance or a surety bond covering the applicant and issued by a company authorized to do such business in Ohio. The policy shall have terms and conditions approved by the commission and shall contain the following provisions:

(a) Coverage in the form of a commission approved surety bond in the amount of twenty-five thousand dollars; or

(b) An installer may have an approved three hundred thousand dollar general liability policy if the applicant also has an approved ten thousand dollar surety policy; or

(c) General liability coverage in the amount of at least one million dollars.

(C) Incomplete applications shall be held open for six months following notification of incomplete requirements by regular mail, facsimile or email. After five months, a final notice of incomplete application shall be mailed by certified mail, return receipt requested. If at the end of the six month period the application remains incomplete, it shall be considered abandoned and the applicant shall be required to submit a new application, including any fees.

(D) Upon approval of an applicant, the commission shall prepare and provide each license holder a license identification card. No person shall make any alterations on a license identification card.

(1) The license shall contain the licensee's name, address, license number, date of expiration, and bear the signature of the commission chair and/or executive director and be affixed with the state seal of the commission. Official identification cards shall be proof of valid license and shall be made available upon request by any person at each installation.

(2) A lost, stolen or destroyed identification card or license shall be replaced by the commission upon receipt of:

(a) A signed statement from the licensee stating the facts associated with the loss, theft or destruction of the identification card or license; and

(b) A nonrefundable replacement fee as set forth in paragraph (G) of this rule.

(3) An identification card or license shall be reprinted by the commission due to a licensee's name change, as long as the original is returned to the commission along with a nonrefundable fee as set forth in paragraph (G) of this rule.

(4) A fee for any application for license renewal in an amount as set forth in paragraph (G) of this rule.

(E) No installer's license shall be transferred to another person.

(F) A manufactured home installer's license by operation of law expires two years after the date of issuance as it falls into the commission's prescribed renewal dates.

(G) Fees.

- (1) The initial installer's license fee shall be two hundred and fifty dollars.
- (2) The installer's license replacement fee shall be thirty dollars.
- (3) The installer's renewal fee shall be two hundred fifty dollars.
- (4) The installer's late renewal fee to be paid in addition to the renewal fee shall be one hundred dollars.
- (5) Any online payment by credit card shall include an additional convenience fee as charged to the commission.

Effective: 06/02/2011

R.C. 119.032 review dates: 10/01/2014

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.04, 4781.08

Prior Effective Dates: 11/01/2006, 01/01/2010

4781-8-02 Non-resident installers.

(A) If an applicant for an Ohio installer's license lives in a state with which Ohio has entered into a reciprocal licensing agreement, the commission may waive the testing and training requirements for a non-resident provided the applicant holds a valid manufactured homes installer license issued by a state with which the commission has entered into a reciprocal licensing agreement.

In such circumstance, the non-resident installer may apply for a license by submitting a commission approved application for a license by reciprocity to the commission which includes a copy of the applicant's current license and proof that the license is not under suspension or probation and has not been revoked, and shall be accompanied by a fee in the amount as set forth in rule 4781-8-01 of the Administrative Code. A non-resident installer application for licensure shall be reviewed by the commission.

(B) If an applicant for an Ohio installer's license lives in a state with which Ohio has not entered into a reciprocal licensing agreement, the commission, in its discretion, may issue an Ohio license to such non-resident applicant if:

(1) The applicant holds a license from a state which maintains licensure requirements considered by the commission to be comparable to those of the state of Ohio;

(2) The applicant has submitted a completed commission approved application form to the commission along with proof that the applicant's license has not been revoked and is not currently under suspension or any disciplinary sanctions ;

(3) The applicant pays a nonrefundable fee in the amount set forth in paragraphs

(G)(1) to (G)(4) of rule 4781-8-01 of the Administrative Code;

(4) Passed the installer's examination as set forth in rule 4781-8-07 of the Administrative Code; and

(5) Obtains approval of the commission to be licensed as an installer in Ohio.

(C) Applicants for Ohio licenses that do not live in states in which Ohio has a reciprocal licensing agreement, or live in states which the commission has determined do not have comparable licensing requirements, shall apply for an Ohio license in accordance with rule 4781-8-01 of the Administrative Code and shall be required to meet all of the criteria for licensing in Ohio.

(D) All non-resident installers shall notify the commission of any change in address or residency status. A licensed non-resident installer who establishes permanent residency in the state of Ohio shall, upon expiration of the non-resident license, be required to apply for a new license in accordance with rule 4781-8-01 of the Administrative Code.

Effective: 01/01/2010

R.C. 119.032 review dates: 10/16/2009 and 10/01/2014

Promulgated Under: 119.03

Statutory Authority: R.C. 4781.04

Rule Amplifies: R.C. 4781.04

Prior Effective Dates: 11/1/2006

4781-8-03 Denial, revocation, suspension of licenses.

(A) The commission may deny, suspend, revoke or refuse to renew the license of any manufactured home installer for any of the following reasons:

(1) Failure to meet the requirements for a license or renewal of a license under section 4781.08 of the Revised Code;

(2) Failure to meet the continuing education requirements for renewal for a license under section 4781.10 of the Revised Code;

(3) Violation of Chapter 4781. of the Revised Code or the rules promulgated thereunder;

(4) Misrepresent the applicant's qualifications or makes any misrepresentation in an application for a license or renewal of license;

(5) Installing manufactured homes in Ohio without an active license or without being under the supervision of a licensed manufactured housing installer;

(6) Fail to cooperate in an investigation or fail to comply with any final adjudication order of the commission issued pursuant to this chapter;

(7) Conviction of a felony or a crime involving moral turpitude;

(8) Having had a license revoked, suspended, or denied by the commission during the preceding two years;

(9) Having a license revoked, suspended, or denied by another state or jurisdiction within the preceding two years;

(10) Engage in conduct in another state or jurisdiction that would violate Chapter 4781. of the Revised Code if committed in this state;

(11) Fail to provide written notification of installation to a county treasurer or auditor in violation of division (D) of section 4781.11 of the Revised Code;

(12) Violation of the code of ethics for manufactured home installers;

(13) Violations of OMHC rules; or

(14) Fail to supervise an installation of an unlicensed person who is performing work on behalf of the licensee.

(B) In addition to or in lieu of suspending, revoking, or refusing to renew a manufactured home installer's license for violation of Chapter 4781. of the Revised Code or any rule adopted pursuant thereto, the commission may impose a fine not exceeding one thousand dollars per violation per day.

(C) Any person whose license or license application has been revoked, suspended, denied or not renewed under this rule, may request an adjudication hearing. The request for an adjudication hearing must be received by the commission within thirty days from the date of the notice. The hearing shall be held in accordance with Chapter 119. of the Revised Code. A licensee or applicant adversely affected by an adjudication order issued pursuant to this rule shall have a right to appeal pursuant to section 119.12 of the Revised Code.

(D) Reapplication after revocation, denial, or suspension.

(1) Any person whose license has been revoked or denied may apply for a new license two years after the date on which the license was revoked or denied.

(2) Any person whose license has been suspended for a period determined by the commission may apply for renewal of the license within thirty days of the end of the suspension period.

(E) Upon revocation, or non-renewal, the person shall return the license certificate and identification card to the commission within three days after receipt of the notice of suspension, revocation or non-renewal.

Effective: 12/01/2012

R.C. 119.032 review dates: 10/01/2014

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.08, 4781.09, 4781.11

Prior Effective Dates: 11/1/2006, 1/1/2010

4781-8-04 License renewal.

(A) A licensee shall apply for renewal prior to the date of expiration of the license. A licensee who installs manufactured homes in Ohio after the license has expired shall be subject to the procedures and penalties as set forth in rule 4781-8-03 of the Administrative Code.

(B) The commission shall provide the licensee the renewal form. The notice and an accompanying renewal application shall be provided to the licensee by regular mail, facsimile or email to the licensee's address in the commission's records at least thirty days prior to the expiration of the license.

(C) The commission may renew the license if the licensee meets the following requirements:

(1) Submits the renewal form and the renewal fee, or late fee as set forth in paragraph (G) of rule 4781-8-01 of the Administrative Code, if any, prior to the license date of expiration or, for applications completed on-line, by midnight on or before the date of expiration or earlier with the renewal fee;

(2) Signs a statement regarding felony or other criminal convictions;

(3) Demonstrates compliance with the requirements of Chapter 4781. of the Revised Code and OMHC rules;

(4) Provides proof of insurance as set forth in paragraph (G) of rule 4781-8-01 of the Administrative Code;

(5) Meets the commission's continuing education requirements.

(D) Late applications.

Any renewal application that is postmarked or completed on-line after the renewal deadline shall include the renewal fee and late fee, as set forth in paragraph (G) of rule 4781-8-01 of the Administrative Code.

(E) Each licensee who complies with the renewal requirements shall receive a new identification card and license or renewal stickers with a new expiration date.

(F) Failure to timely renew.

(1) A licensee who fails to renew in accordance with the commission rules after the renewal deadline, shall be automatically placed on lapsed status. If licensee fails to reactivate their license under lapsed status within twenty-four months, the licensee shall be required to reapply in accordance with rule 4781-8-01 of the Administrative Code including all applicable fees.

(2) "Good cause" waivers or extensions.

(a) The commission may extend the renewal period and may waive the late renewal fee in cases of certified illness, disability, military service, foreign residence, or for good cause that prevents timely renewal. Waivers or extensions of time shall be determined by the commission or its designee on a

case-by-case basis.

(b) If the commission grants an extension of time for renewal, the license shall not be reissued until the licensee has completed the renewal process required by the commission.

(c) For the purpose of this rule, "good cause" means any non-reoccurring facts or circumstances outside the control of the licensee that hindered or prevented the licensee from renewing in a timely manner.

Effective: 06/02/2011

R.C. 119.032 review dates: 10/01/2014

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.04

Prior Effective Dates: 11/01/2006, 01/01/2010

4781-8-05 Supervision of non-licensed persons.

(A) No person shall install a manufactured home in Ohio without a license issued by the commission unless a licensed installer is present at least eighty per cent of the time supervising during the installation. A licensed manufactured home installer who supervises the work of an unlicensed person is responsible for the installation work that the unlicensed person performs.

(B) A person who is not a licensed manufactured home installer may perform foundation and base support system construction if supervised by a licensed installer. The licensed installer is responsible for the work performed.

(C) A homeowner may install a manufactured home for the person's own occupancy if the manufactured home is located on property that the person owns and the home is not located in a manufactured home park. The homeowner installing their own home will not be eligible for the dispute resolution program for a used home. The Ohio manufactured homes commission reserves the right to investigate a complaint against a licensed installer for specific work performed if the scope of work is outlined as the installer's responsibility in writing. New homes will always be eligible for dispute resolution for manufacturer's defects. Homeowners must first obtain a permit for the required inspections prior to installation commencement. The homeowner must be responsible for all work themselves, however they may contract out portions of the work to an OMHC licensed installer who is currently active and all contracted work must be identified and agreed upon, in writing, on a form prescribed by OMHC. All permits are valid for one hundred eighty days from issuance unless an extension is granted by the inspection agency. The homeowner shall not occupy the home until the final inspection has been approved and the OMHC seal has been placed on the home. Failure to obtain an approved final inspection would result in a home being occupied illegally and may void any manufacturer warranties and/or homeowner's insurance.

Effective: 06/02/2011

R.C. 119.032 review dates: 10/01/2014

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.04, 4781.11

Prior Effective Dates: 11/01/2006, 01/01/2010

4781-8-06 Education for applicants.

(A) General education requirements for applicant's installer license.

An applicant shall successfully complete twelve hours of initial licensing education as set forth in paragraph (B) of this rule. The required education shall be completed within six months of the date of the application. Credit shall only be given for courses that have been approved by the commission.

(B) The curriculum of any initial licensing education course shall include instruction in the following areas:

- (1) Ohio law governing manufactured home installation;
- (2) Manufacturers' installation manuals and requirements;
- (3) Preparation of manufactured home sites, including drainage;
- (4) Installation of foundation systems, including calculation of loads from roof to column to footing, and calculation of footing size;
- (5) Blocking, perimeter support and leveling of manufactured homes;
- (6) Connections of sections and components;
- (7) Installation of anchoring systems and components;
- (8) Installation of vapor barriers, curtain walls, access and ventilation for crawl space areas;
- (9) Instruction in all areas included on inspection checklists on forms provided by the commission;
- (10) Work place safety for installers; and
- (11) Code of ethics for installers.

(C) Licensing courses shall help assure that applicant possesses the knowledge, skills, and competence necessary to function as manufactured homes installer in a manner that protects and serves the public interest.

(D) Any course that is to be conducted in Ohio or primarily for the benefit of Ohio applicants shall accurately and completely address any unique Ohio laws, codes, rules, customary practices, or approved methods, relevant to the subject matter being taught.

(E) No licensing course instructor shall instruct students in any manner or on any subject that is in contradiction to any statute, court decision, administrative rule, or order that has been issued by the commission.

(F) Sponsors of licensing courses.

(1) Application to sponsor a licensing education course.

(a) Sponsors of licensing courses shall follow the same application procedure set forth in rule 4781-9-02 of the Administrative Code for prospective sponsors of continuing education courses, including payment of a nonrefundable fee of one hundred fifty dollars in the form of a check or money order payable to "Treasurer, State of Ohio," or by credit card. Online credit card payments may be subject to a convenience fee as charged to the commission. The commission will not review applications that are not accompanied by all applicable fees.

(b) A commission designee shall determine whether the application materials contain the requisite information as set forth in this rule, whether the course is pertinent to the industry, if the course meets its stated objectives, and if the instructors meet the requirements of rule 4781-9-04 of the Administrative Code. The commission shall review completed applications from prospective sponsors.

(c) Upon approval by the commission, a written document of approval with a course number shall be issued to the course sponsor.

(2) An approved sponsor of an initial education licensing course shall comply with the requirements of rule 4781-9-02 of the Administrative Code regarding use of a sponsor's official name.

(G) Course fees.

(1) The sponsor may establish a fee for students taking a course. The fee shall be all-inclusive, and no separate or additional fee may be charged to students for providing course materials, providing course completion certificates, reporting course completion to the commission, or for recouping similar routine administrative expenses. The total amount of any fees to be charged shall be included in any advertising or promotional materials for the course.

(2) The sponsor shall pay a course fee of five dollars to the commission per credit hour for each student completing an approved course.

(H) Advertising of courses; solicitation of students.

(1) Course sponsors shall not use false or misleading advertisements. Advertising shall be in accordance with the provisions of rule 4781-9-02 of the Administrative Code.

(2) If the number of licensing education credit hours awarded by the commission for a course is less than the number of scheduled hours for a course, then any advertisements or promotional materials must clearly specify the number of commission awarded credit hours for that course.

(3) Course sponsors shall provide any prospective student with a description of the course content if requested.

(4) Course sponsors shall specify the sponsor's refund and cancellation policies in any promotional materials.

(5) Sponsors and instructors may have unapproved material, pamphlets and brochures available for purchase by student but classroom time may not be used to promote or sell any materials, or to solicit

membership or affiliation in any business or organization.

(6) Distance learning courses shall be advertised in accordance with the provisions of rule 4781-9-05 of the Administrative Code for continuing education distance learning courses.

(I) Course scheduling; notice to the commission.

(1) Courses shall be limited to a maximum of eight classroom hours per day, including breaks. A classroom hour consists of at least fifty minutes of instruction. The maximum amount of instruction time without a break is limited to ninety minutes and any course scheduled for four or more hours must include a meal break of at least one hour. The provisions of this rule do not apply to self-paced distance learning courses.

(2) At least ten days before commencement of a scheduled course, written notice shall be provided informing the commission of the scheduled course, including the sponsor's name and assigned number, the name and assigned number for the course, the scheduled date and time, specific location (s), and the name of the instructor.

(3) If there are schedule changes or a cancellation of a course, then at least five calendar days before the originally scheduled course start date, the commission shall be given notice of the changes or cancellation. If the change or cancellation is due to unforeseen circumstances, then the sponsor shall notify the commission the next business day.

(4) The commission shall be notified as soon as the sponsor becomes aware that a particular course has an enrollment in excess of sixty students. No class shall exceed sixty students without prior approval of the commission.

(J) Course cancellation and refund policies.

(1) Cancellation and fee refund policies shall be administered in a non-discriminatory manner and shall be clearly defined in course advertising and information.

(2) If a course is cancelled, pre-registered students shall be notified by the sponsor and all pre-registered students shall be issued a full refund within thirty days of the cancellation. In lieu of a refund and with a student's permission, the fee may be applied towards another course.

(K) A sponsor shall comply with the requirements of rule 4781-9-02 of the Administrative Code regarding notification of course and/or sponsor changes.

(L) Licensing education coordinator.

Every course sponsor shall designate an education coordinator for all commission-approved initial licensing courses. The duties and responsibilities of the initial licensing education coordinator are the same as those set forth in rule 4781-9-03 of the Administrative Code for continuing education coordinators. The coordinator shall ensure that no student receives a certificate of completion or is reported to the commission as having completed a course unless that student has complied with the attendance and student participation requirements of paragraph (D) of rule 4781-9-03 of the Administrative Code.

(M) The sponsor shall comply with the minimum classroom size and facility requirements, set forth in paragraph (D) of rule 4781-9-01 of the Administrative Code.

(N) The sponsor shall comply with the requirements of paragraph (E) of rule 4781-9-01 of the Administrative Code for students with disabilities.

(O) Course completion reporting.

(1) The education coordinator shall be responsible for providing course reports to the commission regarding students who have satisfactorily completed the course requirements. All reports shall be received by the commission's education administrator within fifteen calendar days of completion.

(2) For each student who has satisfactorily completed a course, the coordinator shall prepare and submit a report that includes:

(a) Student's name and address;

(b) The date of course completion;

(c) The number of credit hours to be granted to the student;

(d) A course completion certificate signed by at least one instructor of that course;

(e) A fee of five dollars per credit hour per student made payable by check or money order to "Treasurer, State of Ohio," or by credit card. Online credit card payments may be subject to a convenience fee as charged to the commission.

(f) Student's date of birth; and

(g) Student's mailing address and daytime telephone number.

(3) The course sponsor shall also provide a certificate of completion to the student who satisfactorily completes a course within fifteen days of completing the course. The certificate may be used by the applicant as proof of having completed the course.

(4) The commission shall be provided reports on any applicant who does not satisfactorily complete a course. The course sponsor shall not provide a certificate of completion, or report the student as having completed the course, if the student fails to satisfy the requirements of this rule.

Effective: 06/02/2011

R.C. 119.032 review dates: 10/01/2014

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.04

Prior Effective Dates: 09/12/2006, 01/01/2010

4781-8-07 Examination for installers or inspectors.

(A) An applicant to become a licensed manufactured home installer or certified manufactured home inspector shall contact and arrange with an approved state licensing examination provider for taking the examination. The applicant shall receive a passing score on the state exam within six months of the date of the application.

(B) The state licensing or certification examination shall include, but not be limited to:

- (1) Ohio law governing manufactured home installations;
- (2) Manufacturer installation manuals and requirements;
- (3) Preparation of manufactured home site, including drainage;
- (4) Installation of foundation systems, including calculation of loads from roof to column to footing and calculation of footing size;
- (5) Blocking, perimeter support, and leveling of manufactured homes;
- (6) Connections of sections and components;
- (7) Installation of anchoring systems and components;
- (8) Installation of vapor barriers, curtain walls, access and ventilation for crawl space areas;
- (9) Instruction in all areas included on inspection checklists as provided by the commission;
- (10) Work place safety for installers or inspectors; and
- (11) Code of ethics for installers or code of ethics for inspectors, whichever is applicable.

(C) Examination report.

(1) The licensing or certification examination provider shall provide the commission with a report of all examination results within two weeks of the examination. The report shall contain the following:

- (a) The date of the exam;
- (b) The applicant's names and date of birth;
- (c) The applicant's mailing address, and day time telephone number;
- (d) All examination pass or fail results.

(2) The examination provider may notify the applicant of their own results of the examination, however, only the report sent directly to the commission shall be used to determine if the applicant

has attained a passing score on the examination.

(D) A minimum score of seventy per cent on the examination, in addition to compliance with the requirements of rule 4781-9-01 of the Administrative Code is required before the commission may issue a license to an applicant. The commission or its designee shall notify any individual who has failed to attain a minimum score of seventy percent.

(E) The testing agency shall provide an examination under the following conditions:

- (1) The examination shall be subject to review by the commission or its designee;
- (2) The examination shall have documented statistically justifiable, objective and valid questions;
- (3) The examination shall use multiple versions of the examination and its questions;
- (4) The testing agency shall be able to ensure the security of the examination and its questions;
- (5) The testing agency shall verify the identity of the individual taking the examination;
- (6) The examination shall be multiple choice;
- (7) The examination shall contain items from each of the subject areas discussed in the installation class requirements and the inspection check lists;
- (8) Locations for examinations shall have seating availability such that any applicant who is an Ohio resident shall be able to take an exam at a location within one hundred miles of the applicants Ohio residence within a three month period; and
- (9) Regardless of additional locations, examinations shall be offered in Franklin county a minimum of four times a year.

Effective: 01/01/2010

R.C. 119.032 review dates: 10/16/2009 and 10/01/2014

Promulgated Under: 119.03

Statutory Authority: R.C. 781.04, 4781.07

Rule Amplifies: R.C. 4781.04, 4781.06, 4781.07, 4781.10, 4781.11, 4781.14 Prior Effective Dates: 9/12/2006

4781-8-08 Complaints against licensees.

(A) Any person who believes that a licensee has violated any provision of Chapter 4781.

of the Revised Code or OMHC rules, may file a written petition with the commission.

(B) Upon receipt of a written petition, the commission or its designee shall follow the following procedure:

(1) Send an acknowledgement letter to the complainant and the licensee requesting the licensee to respond to the petition and may request any additional information if necessary.

(2) The executive director of the commission or his or her designee shall review the complaint, to determine if further information or investigation is needed.

(3) The executive director or his or her designee shall report to the commission the facts of the review of the complaint. The commission may request the petition be:

(a) Closed with no further action;

(b) Referred for further investigation; or

(c) Referred for disciplinary action against a licensee.

(4) The commission or its designee may initiate an investigation inspection of a licensee on its own motion to determine whether the licensee is in compliance with Chapter 4781. of the Revised Code and the rules promulgated thereunder.

Effective: 01/01/2010

R.C. 119.032 review dates: 10/16/2009 and 10/01/2014

Promulgated Under: 119.03

Statutory Authority: R.C. 4781.04

Rule Amplifies: R.C. 4781.04

Prior Effective Dates: 11/1/2006

4781-8-09 Examination development and sponsor.

(A) The commission may contract with recognized national testing service providers to administer the examinations for Ohio manufactured homes installer license, and Ohio manufactured homes inspector certification. The examinations shall demonstrate that the applicant has knowledge of chapter 4781. of the Revised Code and the rules promulgated thereunder. The commission may, at any time, review the content of the examinations.

(B) Each examination provider shall ensure that:

(1) Examinations shall consist of statistically justifiable, objective and valid multiple choice questions that address each of the subject areas covered in the installation training course and commission approved inspection checklists;

(2) Each examination shall have multiple versions each of which shall be of equal validity, objectivity, and difficulty;

(3) Examinations shall be kept in a secure location;

(4) The identity of the individual taking the examination shall be verified;

(5) The examination shall be designed so as to take an installer or inspector of average ability no more than two hours to complete the examination; and

(6) Within fifteen working days after completion of the examination, the commission shall be provided with the examination results for each applicant.

(C) Locations for examinations.

(1) The installer examination and inspector examination shall be offered in Franklin county no less than four times in a given calendar year.

(2) In addition to the requirement set forth in paragraph (C)(1) of this rule, the examinations may at the discretion of the commission also be offered in as many other Ohio counties as is necessary to ensure that each applicant has the option, at least once every three months, to take the examination at a location that is no more than one hundred miles from any applicant's Ohio residence.

(3) All examinations shall be conducted in facilities that: (a) Accommodates all enrolled applicants for the examination comfortably;

(b) Shall be equipped with student desks, worktables with chairs, or other seating arrangement which provides a surface whereby each student can sit and write;

(c) Has sufficient light, heat, cooling, and ventilation;

(d) Has, if necessary, a public address system such that all applicants can hear examination instructions and announcements;

(e) Shall be free of distractions that could disrupt the examination; and

(f) Complies with the "Americans with Disabilities Act of 1990," 104 Stat.

327, 42 U.S.C. 12101, or other laws requiring sponsors to accommodate persons with disabilities.

Effective: 01/01/2010

R.C. 119.032 review dates: 10/16/2009 and 10/01/2014

Promulgated Under: 119.03

Statutory Authority: R.C. 4781.04

Rule Amplifies: R.C. 4781.04, 4781.06

Prior Effective Dates: 9/12/2006

4781-8-10 Code of ethics for licensed manufactured home installers.

(A) General.

(1) To safeguard the health and safety of the public and the state of Ohio, to maintain integrity and high standards of skills and practice in the manufactured home installer, the following rules of professional conduct, promulgated in accordance with Chapter 4781. of the Revised Code, shall be binding upon every person holding a license as a manufactured home installer in Ohio.

(2) The manufactured homes installer is charged with having knowledge and understanding of Chapter 4781. of the Revised Code and its rules for his or her conduct as an installer. Such knowledge shall encompass the understanding that the installation of manufactured homes, is a privilege, as opposed to a right, and the licensee shall be forthright and candid in statements or written responses to the commission or its designee on matters pertaining to professional conduct.

(B) Code of ethics for manufactured homes installers.

(1) The manufactured home installer shall protect the health and safety of the public and colleagues in the performance of professional duties. If a situation arises which threatens the health and safety of the public or the installer's colleagues, the installer shall:

(a) If an inspector advises an installer of a situation or deficiency, the installer shall correct the situation or deficiency immediately and notify the person or entity which gives rise to the situation that correction is required;

(b) Refuse to proceed with the installation involved;

(c) Notify the proper authority, if in the installer's opinion, the situation is significantly important or dangerous; and

(d) Immediately notify the commission if the situation involves the professional conduct of another licensee and/or inspector.

(2) The manufactured home installer shall undertake only those assignments which the licensee is qualified by training, education, and experience to perform. An installer must submit an estimate of the cost of an installation prior to undertaking performance. The installer must provide a homeowner/installer agreement on a form prescribed by the commission prior to commencement of work. If the competence of an installer comes into question, the commission shall require that licensee to cooperate in any investigation by the commission.

(3) It shall be the duty of every installer who performs work on the installation of the manufactured home, including but not limited to, structure, foundation, tie downs, blocking, leveling, weather proofing, electrical, gas, plumbing, sewer connections, or mechanical systems, to guarantee that the work is in compliance with Chapter 4781. of the Revised Code and the rules promulgated thereunder.

(4) The manufactured home installer shall only express an opinion as a technical or expert witness before any court or quasi-judicial proceeding, if the installer's opinion is based on adequate information, a competent technical background on the subject matter, and upon an honest conviction as to the propriety of the opinion.

(5) The manufactured home installer shall at all times act with complete integrity for each client and shall be honest in all dealings with customers and the public.

(6) The manufactured home installer shall respond promptly to all complaints.

(7) The manufactured home installer shall maintain current knowledge of the products, methods, techniques and technology associated with the installation of manufactured homes and with related business practices.

(8) The manufactured home installer shall recognize and not fail in his or her responsibility to supervise unlicensed installers, or knowingly permit unlicensed installations to occur without the supervision of a licensed installer.

(9) The manufactured home installer who has knowledge or reason to believe that another person or firm is guilty of violating any of the provisions of Chapter 4781. of the Revised Code or the rules promulgated thereunder, shall immediately notify the commission in writing.

(10) The manufactured home installer shall not directly or indirectly pay, solicit or offer any bribe or payment for professional employment or to influence favorable inspection results.

(11) The manufactured home installer shall not falsify or permit misrepresentations of his or her professional qualifications, and shall not misrepresent or exaggerate the responsibility or the skills competency required for any employment or any installations.

(12) The manufactured home installer shall ensure that any advertisements, brochures, or other solicitations for employment do not misrepresent pertinent facts concerning employers, employees, associates, joint ventures or past accomplishments with the intent and purpose of enhancing qualifications and work experience.

(C) Conviction of a felony or the revocation or suspension of a license in another jurisdiction for conduct that would violate any of part of this rule if it occurred in the state of Ohio may be grounds for the commission to charge the licensee with a violation of this rule.

(D) A person shall return his or her license and identification card to the commission within three business days after receipt of notice of revocation, suspension or non-renewal.

Effective: 06/02/2011

R.C. 119.032 review dates: 10/01/2014

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.04

Prior Effective Dates: 11/01/2006, 01/01/2010

4781-8-11 Adjudication hearings.

(A) General.

The commission shall determine the need for adjudication hearings in accordance with sections 119.06 to 119.13 of the Revised Code.

(1) After a denial, revocation, or suspension of a license issued pursuant to Chapter 4781. of the Revised Code, the manufactured homes commission shall notify the licensee or applicant of their right to request a hearing. The notice shall be in writing and sent by certified mail, return receipt requested.

(2) The notice shall include:

(a) The charges or reasons for the denial, suspension or revocation;

(b) The applicable laws or rules directly involved; and

(c) A statement informing the licensee or applicant that:

(i) The licensee or applicant is entitled to a hearing if the request is received by the manufactured homes commission within thirty days of the date the notice was mailed;

(ii) The licensee or applicant may appear in person or be represented by an attorney;

(iii) The licensee or applicant may choose to present their position, argument, or contentions in writing; and

(iv) The licensee or applicant may present evidence, and examine witnesses appearing on the licensee or applicant's behalf and cross-examine the commission's witnesses at the hearing.

(3) Upon receiving a request within thirty days of the date of the mailing of the notice for hearing from the licensee or applicant, the commission or its executive director shall immediately set the date, time, and location of the hearing. The date set for hearing shall be within seven and fifteen days of receiving the request for hearing, unless continued by the commission on its own motion or continued by agreement of both parties.

(4) The executive director may issue subpoenas for any witnesses or to compel the production of any books, records, or papers in accordance with Chapter 119. of the Revised Code upon request of the licensee, applicant, or legal counsel to the board. Such request for subpoenas shall be made no later than fourteen days prior to the date of the adjudication hearing. The service and enforcement of subpoenas shall be made in accordance with Chapter 119. of the Revised Code.

(5) A licensee, applicant or representative of the licensee or applicant may request a continuance of the scheduled hearing by submitting a written request no later than fourteen days prior to the scheduled hearing date. The executive director may grant a continuance upon good cause.

Effective: 01/01/2010

R.C. 119.032 review dates: 10/16/2009 and 10/01/2014

Promulgated Under: 119.03

Statutory Authority: R.C. 4781.04

Rule Amplifies: R.C. 4781.04, 119.07, 119.09

Prior Effective Dates: 11/1/2006

4781-9-01 Continuing education general provisions; fees for continuing education.

(A) Generally.

(1) Continuing education courses for manufactured homes installers and certified inspectors shall assure that licensees possess the knowledge, skills, and competence necessary to function as manufactured homes installers or certified inspectors in a manner that protects and serves the public interest. The knowledge or skills taught in any continuing education course shall enable the licensee or certified inspector to better serve manufactured homes consumers and shall be directly related to manufactured homes installation or inspection operations.

(2) Any continuing education course that is conducted in Ohio or primarily for the benefit of Ohio licensees or inspectors, shall accurately and completely address any unique Ohio laws, codes, rules, customary practices, or approved methods, relevant to the subject matter being taught.

(3) No continuing education course instructor shall instruct students in any manner or on any subject that contradicts any statute, court decision, administrative rule, or order that has been issued by the commission.

(4) Continuing education may include any commission-approved classroom, independent, distance or field study. A course that includes field coursework shall also include at least two continuing education credit units of home installation or inspection with hands-on, direct experience using all tools, customary practices, and approved methods specifically relevant to the installation or inspection of manufactured homes and instruction as to the safe use of such procedures and tools. To be considered for approval as a field safety course, at least two hours of continuing education units shall be devoted to field safety practices.

(5) "Good cause" waivers or extensions.

(a) The commission may waive any portion of the continuing education hours requirements or the rules promulgated thereunder in cases of certified illness, disability, military service, foreign residence, or for good cause that prevents the attendance of approved continuing education courses by a person holding a license or certification pursuant to Chapter 4781. of the Revised Code or extend the time for the licensee or inspector to complete the required continuing education requirements if the licensee or inspector has substantially met the other renewal requirements as set forth in Chapter 4781. of the Revised Code and the rules promulgated thereunder. Continuing education waivers or extension of time to complete the required continuing education requirements shall be determined by the commission or its designee on a case-by-case basis.

(b) If the commission grants an extension of time to complete the continuing education requirements and the license has expired, such license shall not be reissued until the licensee has completed the required continuing education requirements.

(c) For the purpose of this rule, "good cause" means any non-reoccurring facts or circumstances outside the control of the licensee or inspector that hindered or prevented the licensee from

completing the required hours of continuing education for the renewal of the license or certification by the expiration of the license or certification.

(6) Pursuant to Chapter 4781. of the Revised Code, if the continuing education requirements are not timely met by an individual on or before the expiration date set forth on the license or certification the license or certificate shall be suspended automatically without the taking of any action by the commission or its executive director. Failure to reactivate the license or certification as provided in this rule shall result in automatic revocation of the license without the taking of any action by the commission or executive director.

(B) Courses qualifying for continuing education credit.

(1) Credit shall be given only for courses that have been approved by the commission.

(2) Notwithstanding paragraph (B)(1) of this rule, a licensee or inspector may request that the commission award continuing education credit for a course or related educational activity that has not been pre-approved by the commission. The licensee or inspector seeking such approval shall submit documentation to the commission consisting of all the required information set forth in paragraph (B) (2) of rule 4781-8-02 of the Administrative Code. The licensee or inspector seeking approval shall also submit a nonrefundable fee not to exceed fifty dollars for each course or related educational activity to be reviewed. The fee may be paid by check or money order made payable to the "Treasurer, State of Ohio," or by credit card. Any online credit card payment may be subject to a convenience fee.

(3) Continuing education hours obtained by individuals holding license or certification pursuant to Chapter 4781. of the Revised Code and the rules promulgated thereunder may carry forward course credit from one year to another within the same renewal period.

(4) Continuing education hours for inspectors and installers may be obtained from commission approved continuing education courses for up to, but not exceeding, one half of the total commission required continuing education hours. The inspector and installer must submit a copy of the course attendance certificate which indicates the date the course was attended, the name of the attendee, the number of continuing education credit hours, and a check for five dollars per credit hour plus five dollars per credit hour for an administrative fee. A check or money order, or payment by credit card shall be made payable to "Treasurer - State of Ohio." Any on-line payment made by credit card may be subject to a convenience fee. The continuing education course must be attended during the period of the inspector or installer current license period.

(C) Fees for continuing education.

(1) The sponsor of an approved continuing education course may establish the amount of the fee to be charged to students taking the course. The established fee shall be an all-inclusive fee, and no separate or additional fee may be charged to students for providing course materials, providing course completion certificates, reporting course completion to the commission, or for recouping similar routine administrative expenses. The total amount of any fees to be charged shall be conspicuously noted in any advertising or promotional materials for the course.

(D) Class enrollment; facility requirements.

(1) All continuing education courses shall be open to licensees or inspectors on a first-come, first-served basis. The sponsor of a course that has a bona-fide educational or experience prerequisite may refuse admission to a licensee or inspector who does not satisfy the prerequisite.

(2) A classroom in which a course is provided shall:

(a) Accommodate all enrolled students;

(b) Be equipped with student desks, worktables with chairs, or other seating arrangement which provides a surface whereby each student can sit and write, except if the course is conducted in a field setting;

(c) Have sufficient light, heat, cooling, and ventilation, except if a course is conducted in a field setting;

(d) Have a public address system such that all students can hear the instructor clearly, if needed;

(e) Provide a direct, unobstructed line of sight from each student to the instructor and all teaching aids; and

(f) Be free of distractions that would disrupt class sessions.

(3) No class shall exceed sixty students without prior approval of the commission.

(E) Accommodations for students with disabilities.

(1) Course sponsors shall comply with the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C. 12101, or other laws requiring sponsors to accommodate persons with disabilities.

Effective: 06/02/2011

R.C. 119.032 review dates: 10/01/2014

Promulgated Under: 119.03

Statutory Authority: 4781.04, 4781.07

Rule Amplifies: 4781.04, 4781.07, 4781.10, 4781.11, 4781.12, 4781.14

Prior Effective Dates: 09/15/2006, 01/01/2010

4781-9-02 Continuing education sponsors.

(A) A prospective sponsor of any continuing education course shall obtain written approval from the commission before the sponsor may offer, conduct, advertise or otherwise represent that the course is or may be approved by the commission for continuing education credit in Ohio.

Any course sponsor who has been approved by the board of building standards and/or the Ohio construction industry licensing board may apply to the commission for approval, on a form prescribed by the commission for approval of the course only and shall submit a fee not to exceed fifty dollars for each course and a copy of the curriculum or may apply to be a course sponsor in accordance with this rule.

(B) Prospective sponsors of continuing education courses for manufactured home installers shall submit a nonrefundable fee of one hundred and fifty dollars in the form of a check or money order payable to "Treasurer, State of Ohio," or by credit card, which if used to make an online payment may be subject to a convenience fee, and a completed application form with the following information:

- (1) The nature and purpose of the course;
- (2) The course objectives and goals;
- (3) The outline of the course including the number of training hours for each segment;
- (4) Copies of all handouts and materials to be furnished to the course attendees;
- (5) The identity, qualifications, and experience of each course instructor;
- (6) Sponsor ownership.
 - (a) Contact information.
 - (i) The name, address, and telephone number of both the course sponsor and the employer, if any, of the course sponsor. Where the course sponsor is a business which has a physical address, the address and telephone number of the business shall also be provided.
 - (ii) If any of the employers, owners, shareholders, partners, limited liability companies and/or directors with a five per cent share or larger of the course sponsorship business currently has or has previously sponsored a commission approved course under a different official name than the official name on the current application for course sponsorship, then the previous official name shall be provided as well as the names and addresses of the owners, shareholders, partners, limited liability companies and/or directors with a five per cent share or larger. Where owners, shareholders, partners, limited liability companies and/or directors who have previously sponsored courses under a different name are corporately owned, the names and addresses must include the natural peoples' names through each layer of ownership.
 - (b) Provide notification of any felony conviction(s) to the commission for all owners, partners, director and shareholders with a five per cent share or larger, as required by the commission on a form

provided by the commission. Owners, partners, directors or share holders having a felony conviction may be denied as course sponsors by the commission.

(7) A statement regarding conflict of interest pursuant to the Ohio ethics commission advisory opinion 98-005; and

(8) Inclement weather policies for courses conducted outdoors. (C) Review of application.

(1) The commission or its designee shall review completed applications from prospective sponsors or approval of a course under paragraph (A)(1) of this rule and shall determine whether the materials contain the requisite information as set forth in this rule, whether the course is pertinent to the industry, if the course meets its stated objectives, and if the instructors meet the requirements of rule 4781-9-04 of the Administrative Code.

(2) If the commission determines that the application meets the requirements of this rule, then a written document of approval shall be issued to the course sponsor with a course number.

(3) If there is a change to the approved course which materially alters the contents of the course initially approved by the commission or its designee, or if an approved instructor(s) is (are) not available to teach the course; the course sponsor shall not hold that course until the course sponsor receives approval for the changes from the commission or its designee.

(4) Incomplete applications will be held open for ninety days following notification of incomplete requirements by regular mail, facsimile, or email. After sixty days, a final notice of incomplete application will be mailed by certified mail, return receipt requested. If by the end of the ninety day period, the application remains incomplete, it will be considered abandoned and the applicant will be required to submit a new application, including any fees.

(D) An approved sponsor of a continued education course shall use its official name as follows:

(1) The official name to be used by any course sponsor in connection with the offering of an approved continuing education course shall clearly distinguish the sponsor from any other previously approved continuing education sponsor.

(2) Any advertisement or promotional material used by an approved course sponsor shall include the sponsor's official name only.

(3) Violations of this rule shall result in revocation of course approval.

(E) The commission shall deny or withdraw approval of any course or course sponsor upon a finding of any of the following:

(1) The course sponsor has made false statements or presented false information in connection with an application for course or sponsor approval or renewal of approval;

(2) The course sponsor or any official or instructor employed by, or under contract with, that sponsor, has refused or failed to comply with any of the provisions of this chapter;

(3) The course sponsor or any official or instructor employed by, or under contract with, that sponsor has provided false or incorrect information in connection with any reports the course sponsor, instructor, or employee is required to submit to the commission;

(4) The course sponsor has engaged in a pattern of consistently canceling scheduled courses;

(5) The course sponsor has paid fees with an invalid check or a check that has been dishonored;

(6) An instructor employed by, or under contract with, the sponsor fails to conduct approved courses in a manner that demonstrates compliance with the instructor requirements of rule 4781-9-04 of the Administrative Code;

(7) Any court of competent jurisdiction has found the course sponsor to have violated, in connection with the offering of continuing education courses, any applicable federal or state law or regulation prohibiting discrimination on the basis of disability, requiring places of public accommodation to be in compliance with prescribed accessibility standards, or requiring that the courses related to licensing or certification for professional or trade purposes be offered in a place and manner accessible to persons with disabilities;

(8) The course sponsor has failed to comply with the cancellation and refund policies as set forth in rule 4781-9-01 of the Administrative Code; or

(9) The course sponsor has failed to comply with Chapter 4781. of the Revised Code or the rules promulgated thereunder.

(F) Advertisements.

(1) Course sponsors shall not use false or misleading advertisements.

(2) If the number of continuing education credit hours awarded by the commission for a course is less than the number of scheduled hours for a course, then any advertisements or promotional materials must clearly specify the number of commission awarded credit hours for that course.

(3) Course sponsors shall provide any prospective student a written description of the course content if requested.

(4) Sponsors and instructors may have unapproved materials, pamphlets, and brochures available for purchase by a student, but classroom time may not be used to promote or sell any materials, or to solicit membership or affiliation in any business or organization.

(G) A sponsor may contract with an organization such as a manufactured home installation company, dealership, or trade organization to conduct approved continuing education courses for licensees affiliated with the organization.

(H) Course sponsors shall provide licensees enrolled in each continuing education course an opportunity to complete an evaluation for each approved continuing education course. Sponsors shall submit the completed evaluation forms to the commission along with the reports that verify the completion of a continuing education course.

(I) All course sponsors shall retain records of student registration, attendance and course completion for each session of a continuing education course. Such records shall be retained for not less than five years and these records shall be available to the commission upon request.

(J) Change in sponsor ownership.

The approval granted to a course sponsor may be transferred to a new or different person, firm, or corporation or owner only with the prior approval of the commission. The commission shall approve the transfer if the transferee satisfies the requirements as specified in these rules. All requests for commission approval of transfers or changes in ownership shall be in writing and shall be accompanied by a nonrefundable fee, by check or money order, of one hundred fifty dollars, payable to "Treasurer, State of Ohio," or by credit card. Any online payment made by credit card may be subject to a convenience fee.

(K) Monitoring by the commission; investigation of complaints.

(1) A course sponsor shall admit authorized representatives of the commission to monitor any continuing education class without prior notice and shall not charge a fee to the commission representatives in order to attend. Commission representatives shall not be reported as having completed the course.

(2) If the commission receives a complaint or has concerns about the quality of a course or instructor, the commission may, through written request, require that the sponsor of the course provide the commission with a video that is forty-five to sixty minutes in length, depicting the course being taught by a particular instructor or instructors specified by the commission. A video produced within twelve months preceding the commission's request is acceptable; but if no responsive video exists, then it shall be completed at the next course meeting. The cost of producing and shipping such videos shall be the sole responsibility of the sponsor. A commission member or designee may audit a course on their own action or based upon a complaint.

Within ten days of the request or within two weeks after course completion, the sponsor shall provide a video that meets the following criteria:

- (a) Contains a clear label identifying the course instructor and date of the video production;
- (b) Depicts an unedited and continuous block of instruction covering manufactured home installer requirements and operations;
- (c) Clearly shows at least a portion of the course audience; and
- (d) Video shall be of a superior visual and sound quality so that the reviewers are easily able to see and hear the instructor.

(3) An approved course sponsor shall notify the commission or its designee, in writing, fourteen business days prior to the date of an approved course, of any cancellation, changes to the course, course date, or any change in the time, or location of a course. If the course sponsor is proposing to change the content of a course, or an approved instructor with an instructor who has not been approved for the course, the course sponsor shall request approval of the instructor by the commission

or its designee not less than three business days prior to the course being conducted.

(L) If the commission determines to deny or withdraw approval of a course or course sponsor, the hearing shall be conducted in accordance with Chapter 119. of the Revised Code.

(M) Course sponsor renewals A renewal fee not to exceed seventy-five dollars is charged to the sponsor of each course, for the annual renewal of said course.

Effective: 01/01/2010

R.C. 119.032 review dates: 10/16/2009 and 10/01/2014

Promulgated Under: 119.03

Statutory Authority: R.C. 4781.04, 4781.07

Rule Amplifies: R.C. 4781.04, 4781.07, 4781.10, 4781.11, 4781.12,
4781.14 Prior Effective Dates: 9/15/2006

4781-9-03 Continuing education coordinator; duties and responsibilities.

(A) Every sponsor of a continuing education course shall designate one person to serve as the continuing education coordinator for all commission-approved continuing education courses offered by the sponsor. The continuing education coordinator shall serve as the sponsor's official contact person and shall be responsible for monitoring the attendance and conduct of all students for the duration of each class session. The continuing education coordinator may delegate classroom monitoring duties to a designee. Nothing in this rule prohibits the coordinator from also being the course instructor for courses having fewer than twenty students.

(B) The continuing education coordinator or its designee shall monitor student attendance and shall:

(1) Ensure that all students reported as satisfactorily completing a course have attended at least ninety per cent of the scheduled classroom hours; and

(2) Ensure that no student is admitted to the class session after ten percent of the scheduled classroom hours for that day have been conducted; and

(3) Refuse to allow a student to sign a course attendance roster report or receive a course completion certificate unless the student fully satisfies the attendance requirements; and

(4) Not report that a student has completed the course to the commission unless the student fully satisfies the attendance requirements.

(C) Except for self-paced learning courses, the continuing education coordinator or its designee shall, ensure compliance with the following:

(1) Courses shall not exceed eight classroom hours in any given day. A classroom hour shall consist of at least fifty minutes of instruction.

(2) The maximum permissible classroom session without a break is limited to ninety minutes.

(3) Courses scheduled for more than four hours in a day shall include a meal break of at least one hour.

(D) The continuing education coordinator or its designee shall assist instructors in monitoring compliance with the student participation requirements. An instructor or education coordinator may dismiss any student who fails to comply with student participation requirements.

(E) The continuing education coordinator or its designee shall be responsible for monitoring student check-in at all continuing education courses. At check-in, each student shall be required to provide his or her license number and a photo identification issued by a federal, state or local government. Any student providing false information to a course sponsor shall not receive continuing education credits for the course, shall not be entitled to a refund of course fees, and may be subject to disciplinary action by the commission.

(F) The continuing education coordinator shall be responsible for providing course reports to the commission's continuing education administrator. All reports shall be received by the commission's continuing education administrator within fifteen calendar days of completion of a course.

(1) For each student who has satisfactorily completed the course, the coordinator shall prepare and submit a report that includes:

(a) The licensee's name and license number;

(b) The date of course completion;

(c) The number of credit hours to be granted to the licensee;

(d) A course completion certificate signed by at least one instructor of that course;

(e) Confirmation that the same course was not repeated and reported for credit by the licensee within the previous three year period. No required fees shall be issued for any course credits that are rejected for this reason; and

(f) A fee of five dollars plus a five dollar administrative fee per credit hour per licensee made payable by check or money order to "Treasurer, State of Ohio," or by credit card. Any online credit card payment may be subject to a convenience fee.

(G) Sponsors shall assure that, if necessary, adequate personnel in addition to the instructor are present during all class sessions to assist the instructor, coordinator, or designee in monitoring attendance and in performing administrative tasks associated with conducting a course. Sponsors shall make sure that the time required for administrative tasks does not interfere with the designated instruction time.

Effective: 01/01/2010

R.C. 119.032 review dates: 10/16/2009 and 10/01/2014

Promulgated Under: 119.03

Statutory Authority: R.C. 4781.04, 4781.07

Rule Amplifies: R.C. 4781.04, 4781.07, 4781.10, 4781.11, 4781.12, 4781.14 Prior Effective Dates: 9/15/2006

4781-9-04 Instructor requirements.

(A) All continuing education instructors shall possess the ability to:

- (1) Present instruction in a thorough, accurate, logical, orderly, and understandable manner;
- (2) Use varied instructional techniques in addition to straight lecture, such as class discussion and role-playing; and
- (3) Use instructional aids, such as computer-based slide shows, overhead projector, or the like to enhance learning.

(B) Instructors shall ensure that class sessions are started on time and are conducted for the full amount of time that is scheduled. Instructors shall also ensure that each continuing education course is taught according to the course outline and plan that was approved by the commission, including the furnishing of approved student materials.

(C) Instructors shall be knowledgeable in the area which they are teaching and meet one or more of the following:

- (1) Five years experience in the industry as an installer, or in a management, supervisory, inspection or quality assurance capacity.
- (2) A license, registration, or certification from a national certification agency or a state agency.
- (3) A degree from an accredited educational institution.
- (4) Other professional qualifications as approved by the commission or its designee.

(D) Continuing education credit for commission staff or instructors.

(1) Commission members or commission staff may receive continuing education credit for the number of unduplicated subject matter hours he or she instructs provided that the member does not receive compensation from the course sponsor.

(2) Commission members and its staff shall not receive compensation for teaching commission approved courses but the commission member or staff may have their expenses covered for travel, hotel and meals for the time period they are teaching a course.

(3) Course instructors may receive continuing education credit for the number of unduplicated subject matter hours he or she instructs.

Effective: 01/01/2010

R.C. 119.032 review dates: 10/16/2009 and 10/01/2014

Promulgated Under: 119.03

Statutory Authority: R.C. 478104, 4781.07

Rule Amplifies: R.C. 4781.07, 4781.10, 4781.10, 4781.11, 4781.12, 4781.14 Prior Effective Dates: 9/15/2006

4781-9-05 Distance learning.

(A) A sponsor may request that the commission approve a distance learning course for either a continuing education or an initial licensing course. A sponsor seeking approval from the commission for a distance learning course shall meet all the requirements of this chapter, and shall demonstrate that the proposed distance learning course meets the following criteria:

(1) Designed to assure that students have clearly defined learning objectives, and means by which those objectives will be met. The course shall also provide for direct interaction between the student and instructor, if required by the nature of the subject matter;

(2) Testing processes appropriate to ensure student mastery of the subject matter if the course does not provide for continuous audio and visual communication between the students and instructor;

(3) If a self-paced study shall be designed to take a student of average ability at least the same amount of time as it would take for an average student to complete in a comparable on site class covering the same or similar materials. All self-paced study courses must utilize a system that assures that students have actually performed all the tasks required for completion of the course and mastery of the subject material;

(4) Technical support must be made available to the students to ensure their ability to satisfactorily complete the course;

(5) Instructor shall be reasonably available to respond in a timely manner to student questions and shall have appropriate training in the proper use of the instructional delivery method, including the use of computer hardware and software and other equipment and systems;

(6) Students shall receive an orientation information packet containing all information regarding requirements that are unique to a distance learning course, including, but not limited to, requirements for specific computer hardware, software or other equipment and systems. The orientation packet shall also specify how the student can access technical support and instructor assistance during the course;

(7) Establish procedures that provide reasonable assurance that the student has actually completed the work required for completion of the course before that student can receive credit for the course. For self-paced and independent study courses, the student shall be required to certify in writing, or by means of a specific electronic certification program, that the student completed all the required coursework. The sponsor must keep a record of all student certifications.

(B) No distance learning course shall be approved by the commission unless the commission also receives a complete copy of the course in the medium that is to be utilized, including any software that will be used in instructing students or administering tests. If the course is internet-based, the commission shall be provided with access to the course via internet and shall not be charged a fee for such access.

(C) The course sponsor shall report to the commission in accordance with paragraph (F)

of rule 4781-9-03 of the Administrative Code. No student shall be reported as having successfully

completed a distance learning course unless the student has provided the written certification set forth in paragraph (A)(7) of this rule.

(D) Fees.

(1) The non-refundable fee for commission review of a distance learning course shall be one hundred fifty dollars made payable by check or money order to "Treasurer, State of Ohio" or by credit card. A renewal fee not to exceed seventy-five dollars is charged to the sponsor of each course, for the annual renewal of each course.

(2) The course sponsor shall pay a fee of five dollars per credit hour plus a five dollar per credit hour administrative fee per licensee. The fee shall be made payable by check or money order to "Treasurer, State of Ohio" or by credit card.

(3) Any online payment made by credit card may be subject to a convenience fee.

Effective: 01/01/2010

R.C. 119.032 review dates: 10/16/2009 and 10/01/2014

Promulgated Under: 119.03

Statutory Authority: R.C. 4781.04, 4781.07

Rule Amplifies: R.C. 4781.07, 4781.10, 4781.11, 4781.12, 4781.14

Prior Effective Dates: 9/15/2006

4781-9-06 Non-resident licensees and continuing education credit.

(A) A non-resident licensee shall meet the requirements for continuing education as set forth in rule 4781-9-01 of the Administrative Code. If a non-resident licensee resides in a state requiring continuing education for a manufacturedhomeinstaller license, the courses or continuing education in the state of residence may be considered by the commission for approval in Ohio on a course-by-course basis.

(B) Any non-resident licensee who seeks to have the commission consider non-commission approved courses, including those which have taken place outside of the state of Ohio, may apply to the commission to receive credit for the continuing education obtained in another state, by submitting an application on a form prescribed by the commission. The application shall contain all of the information as required under paragraph (B) to rule 4781-8-02 of the Administrative Code and shall be accompanied by a nonrefundable fee in the amount of fifty dollars, by check or money order, made payable to the "Treasurer, State of Ohio," or by credit card. Any online payment made by credit card may be subject to a convenience fee.

(C) Upon approval of submitted course stated in paragraph (B) of rule 4781-9-06 of the Administrative Code, non-resident licensee shall pay a five dollars per credit hour fee plus a five dollar administrative fee per credit hour, by check or money order, made payable to the "Treasurer, State of Ohio," or by credit card. Any on-line payment made by credit card may be subject to a convenience fee.

Effective: 01/01/2010

R.C. 119.032 review dates: 10/16/2009 and 10/01/2014

Promulgated Under: 119.03

Statutory Authority: R.C. 4781.04, 4781.07

Rule Amplifies: R.C. 4781.04, 4781.07, 4781.10, 4781.11, 4781.12, 4781.14 Prior Effective Dates: 9/15/2006

4781-10-01 Dispute resolution.

(A) Definitions. For purposes of this rule:

(1) "Defect" means any problem in the performance, construction, components, or material of the home that renders the home or any part of it not fit for the ordinary use for which it was intended including but not limited to a defect in the construction, safety, or installation of the home, or which does not meet accepted engineering practice, or acceptable workmanship reflecting journeyman quality of work in the various trades, or the norms and tolerances of the industry. A defect is not a minor cosmetic item.

(2) "Date of installation" for a new manufactured home means the date the manufactured home has passed inspection and is ready for occupancy, and the first person purchasing the home in good faith for purposes other than resale takes possession. The date of installation for a used manufactured home means the date the manufactured home has passed inspection and is ready for occupancy and the person purchasing the home in good faith for purposes other than resale takes possession. For a relocated manufactured home, that has not changed hands, the date of installation means the date the manufactured home has passed inspection and is ready for occupancy.

(3) "Warranty issue" for the purposes of dispute resolution, means any item covered by the original written warranty offered by the manufacturer, retailer, or installer related to the original purchase agreement or sales contract, but does not include any extended warranty on an item whether the extended warranty was offered by the manufacturer, installer or retailer, or others.

(B) Initiation of dispute resolution process.

(1) The consumer, retailer, manufacturer, or installer may initiate the dispute resolution process regarding a new manufactured home that is one year or less from the date of installation of the home. A defect, or warranty issue may be considered appropriate for dispute resolution if a record exists that the defect, or warranty issue was reported to the manufacturer, retailer, installer, HUD, the better business bureau, or similar party, or this commission within one year from the date of installation, even if that year has now passed.

(2) Requests for dispute resolution program services shall be made in writing and on the form provided by the commission.

(3) Participation in mediation services is voluntary.

(4) A used manufactured home is only eligible for dispute resolution in regard to its installation.

(C) Voluntary compliance.

If the commission staff reviewer determines that the complaint is appropriate for dispute resolution the staff reviewer shall:

(1) Notify the parties that they have fifteen calendar days from the date of the notice for voluntary compliance to resolve the dispute,

(2) If the dispute is not resolved, an inspection by a staff member or agent of the commission may be scheduled. The commission shall notify all parties of the date and time of inspection by regular mail postmarked no later than ten days before the inspection.

(3) For complaints that involve an unreasonable risk of death or injury, the parties shall be notified that they shall have five days from the date of the notice in which to reach a settlement or an inspection shall be immediately scheduled.

(D) Mediation.

(1) Upon referral for mediation, all the parties shall receive notice that the matter must be resolved within thirty days from the date of referral to mediation. The notice shall include a copy of the original complaint. Notice of the time period for resolving the matter through mediation may be included in the original notice of complaint sent to all parties.

(2) Mediator selection.

(a) The commission shall approve any mediator before the mediator can be used in the dispute resolution process.

(b) The commission's approval of a person to mediate shall be based upon the person's experience and training in mediation.

(c) The commission may refer the matter to any mediator who is a member of the commission's mediation staff, a mediator from the state of Ohio commission on dispute resolution and conflict management, or any mediator that has previously been approved by the commission and maintained on a list of approved mediators.

(d) A mediator shall not mediate a matter if the mediator has:

(i) Reviewed the complaint to determine if the complaint is appropriate for dispute resolution;

(ii) A primary interest in the matter being mediated; or

(iii) A business or personal relationship with any of the parties to the dispute resolution.

(3) The mediator shall facilitate a settlement. A party to the mediation may request OMHC staff to inspect, or delegate an inspection, of the property and alleged defect(s), and provide a report to the parties. In the event that the mediator determines that such additional information is necessary, the mediation may be extended an additional thirty days, except where there is an unreasonable risk of death or injury involved.

(4) Mediation agreements.

(a) If the parties reach a mediation agreement, the mediator shall issue a written notice to the commission that the issue was resolved. The written notice shall include the apportionment of the commission fees for mediation and inspection services.

(b) If the parties are unable to reach a settlement through mediation, then within fifteen days of the issuance of written notice by the mediator that the matter was not resolved, any party may request that the commission arrange for non-binding arbitration.

(c) Arbitration is not available to those disputes which do not meet the requirements of paragraphs (A) and (B) of this rule, even if inspection or mediation services were offered as a courtesy by the commission.

(d) Following the mediator's written notice to the commission that the issue was resolved, the home owner may elect that the mediation agreement be made binding on the parties by executing a written acknowledgement, provided by the commission. The written acknowledgement shall be received by the commission within ten days from the date of the mediator's notice that the issue was resolved.

(E) Arbitration.

(1) A request for arbitration shall be made in writing to the commission on a form provided by the commission. Following the request for arbitration:

(a) The commission shall arrange for an approved arbitrator.

(b) All parties shall receive notice of the arbitration. The notice shall indicate that the matter must be resolved within forty-five days from the date of the request for arbitration.

(2) The arbitrator shall be approved in advance by the commission unless the arbitrator is approved by the American arbitration association. The arbitrator may not have an interest in the outcome of the dispute or a business or personal relationship to any party to the arbitration.

(3) Arbitrator's duties.

(a) The arbitrator may issue orders to compel the completion of the record, require onsite inspections, dismiss frivolous allegations, set hearing dates and deadlines, and may subpoena witnesses.

(b) Within forty-five days, the arbitrator shall issue a written recommendation setting forth the findings of fact, and the apportionment of commission fees for inspection, mediation, and arbitration services. If there is a determination that a defect, or warranty issue exists the written recommendation shall include:

(i) What action shall be taken;

(ii) The time period in which the defect, or warranty issue, shall be corrected;

(iii) Which party or parties are determined to have likely caused the defect or warranty issue; and

(iv) Which party or parties are responsible to pay for or to perform the correction.

(4) Following an arbitrator's written non-binding decision, the home owner may elect that the arbitrator's non-binding decision be made binding on the parties by executing a written acknowledgement, provided by the commission. The written acknowledgement shall be received by the

commission within ten days from the date of the arbitrator's decision.

(F) Nothing in this chapter shall be construed as prohibiting a homeowner from pursuing any legal action.

(G) This rule shall not be applicable to resolve disputes regarding the licensing of an installer which is governed exclusively by the procedures set forth in rule 4781-8-03 of the Administrative Code. Information gathered from investigation inspections and during arbitration may be used by the commission to investigate disciplinary action against a licensee.

(H) Authority to charge fees.

(1) The commission may charge a fee to the parties involved in dispute resolution for the costs of administering the program and providing dispute resolution services through fees.

(2) Fees charged to the parties involved in dispute resolution shall be apportioned among the parties as stated in the mediation agreement, or as determined by the arbitrator's written recommendation.

(3) Fees may be charged for investigation inspection(s), mediation, and arbitration in amounts as determined by the commission.

(4) The first investigation inspection as part of dispute resolution shall not be charged to the homeowner, unless costs to the homeowner are apportioned in the mediation agreement or the arbitrator's written recommendation.

(I) Investigation inspection or mediation services may be offered for a fee by the commission, at the request of the parties, to assist in the resolution of disputes with regard to manufactured homes that are not covered by the dispute resolution program.

(J) Fees for dispute resolution services shall be:

(1) Investigation inspection. Actual direct cost of the inspection to the commission plus twenty-five per cent for administrative overhead.

(2) Mediation. Actual direct cost of mediation plus twenty-five per cent for administrative overhead.

(3) Arbitration. Actual direct cost of arbitration plus twenty-five per cent for administrative overhead.

(4) All fees shall be by check or money order payable to "Treasurer, State of Ohio" or by credit card. Any online credit card payment may be subject to an additional convenience fee in an amount charged to the commission.

Effective: 09/15/2006

R.C. 119.032 review dates: 10/16/2009 and 10/16/2014

Promulgated Under: 119.03

Statutory Authority: R.C. 4781.04, R.C. 4781.06

Rule Amplifies: R.C. 4781.04, R.C. 4781.06

4781-11-01 General provisions and requirements for manufactured housing dealer, manufactured housing broker, and manufactured housing salesperson licensure.

(A) The commission shall govern the issuance, revocation, and suspension of licenses to manufactured housing dealers, manufactured housing brokers, and salespersons.

(B) For purposes of division 4781:11 of the Administrative Code, the following definitions shall apply:

(1) "Manufactured home" has the same meaning as in division (C)(4) of section 3781.06 of the Revised Code.

(2) "Manufactured housing" means manufactured homes and mobile homes.

(3) "Mobile home" has the same meaning as in division (O) of section 4501.01 of the Revised Code.

(4) "Business" includes any activities engaged in by any person for the object of gain, benefit, or advantage either direct or indirect.

(5) "Casual sale" means any transfer of a manufactured home or mobile home by a person other than a manufactured housing dealer, manufactured housing salesperson, or manufacturer to an ultimate consumer or a person who purchases the home for use as a residence.

(6) "Engaging in business" means commencing, conducting, or continuing in business, or liquidating a business when the liquidator thereof holds self out to be conducting such business; making a casual sale or otherwise making transfers in the ordinary course of business when the transfers are made in connection with the disposition of all or substantially all of the transferor's assets is not engaging in business.

(7) "Manufactured home park operator" has the same meaning as "operator" in section 4781.01 of the Revised Code.

(8) "Manufactured housing broker" means any person acting as a selling agent on behalf of an owner of a manufactured home or mobile home that is subject to taxation under section 4503.06 of the Revised Code.

(9) "Manufactured housing dealer" means any person engaged in the business of selling at retail, displaying, offering for sale, or dealing in manufactured homes or mobile homes.

(10) "Manufacturer" means a person who manufactures, assembles, or imports manufactured homes or mobile homes.

(11) "Person" has the same meaning as in section 1.59 of the Revised Code and also includes this state, any political subdivision of this state, and any other state or local body of this state.

(12) "Retail sale" or "sale at retail" means the act or attempted act of selling, bartering, exchanging, or

otherwise disposing of a manufactured home or mobile home to an ultimate purchaser for the use as a residence.

(13) "Salesperson" means any individual employed by a manufactured housing dealer or manufactured housing broker to sell, display, and offer for sale, or deal in manufactured homes or mobile homes for a commission, compensation, or other valuable consideration, but does not mean any public officer performing official duties.

(14) "Ultimate purchaser" means, with respect to any new manufactured home, the first person, other than a manufactured housing dealer purchasing in the capacity of a manufactured housing dealer, who purchases such new manufactured home for purposes other than resale.

(C) Manufactured housing dealer's and manufactured housing broker's licenses; application:

(1) Each person applying for a manufactured housing dealer's license or manufactured housing broker's license shall complete and deliver to the manufactured homes commission, before the first day of April, a separate application for license for each county in which the business of selling manufactured or mobile homes is to be conducted. The application shall be in the form prescribed by the commission and accompanied by the fee established by the commission. The applicant shall sign and swear to the application that shall include, but not be limited to, all of the following:

(a) Name of applicant and location of principal place of business;

(b) Name or style under which business is to be conducted and, if a corporation, the state of incorporation;

(c) Name and address of each owner or partner and, if a corporation, the names of the officers and directors;

(d) The county in which the business is to be conducted and the address of each place of business therein;

(e) A statement of the previous history, record, and association of the applicant and of each owner, partner, officer, and director, that is sufficient to establish to the satisfaction of the commission the reputation in business of the applicant;

(f) A statement showing whether the applicant has previously applied for a manufactured housing dealer's license, manufactured housing broker's license, or manufactured housing salesperson's license, and the result of the application, and whether the applicant has ever been the holder of any such license that was revoked or suspended;

(g) If the applicant is a corporation or partnership, a statement showing whether any partner, employee, officer, or director has been refused a manufactured housing dealer's license, manufactured housing broker's license, manufactured housing salesperson's license, or, prior to July 1, 2010, a motor vehicle dealer's license, manufactured home broker's license, or motor vehicle salesperson's license, or has been the holder of any such license that was revoked or suspended.

(h) A photograph, as prescribed by the commission, of each place of business operated, or to be

operated by the applicant.

(2) Each application shall be accompanied by a check or money order made payable to "Treasurer, State of Ohio", or a credit card payment (convenience fee added) in the following amounts:

- (a) The original licensing fee shall be two hundred fifty dollars;
- (b) The county multiple location or dealer relocation/inspection fee shall be one hundred twenty-five dollars;
- (c) The replacement license fee shall be twenty-five dollars;
- (d) The renewal fee shall be two hundred fifty dollars;
- (e) The late renewal fee to be paid in addition to the renewal fee shall be one hundred dollars;
- (f) The certified copy fee shall be twenty-five dollars; and
- (g) The business name change, license type change, and/or change in business style or type of business shall be twenty-five dollars;

(3) Incomplete applications shall be held open for six months following notification of incomplete requirements by regular mail, facsimile or email. After five months, a final notice of incomplete application shall be mailed by certified mail, return receipt requested. If at the end of the six month period the application remains incomplete, it shall be considered abandoned and the applicant shall be required to submit a new application, including any fees.

(D) Manufactured housing salesperson's licenses; application:

(1) Each person applying for a manufactured housing salesperson's license shall complete and deliver to the manufactured homes commission before the first day of July an application for license. The application shall be in the form prescribed by the commission and shall be accompanied by the fee established by the commission. The applicant shall sign and swear to the application that shall include, but not be limited to, all of the following:

- (a) Name and post-office address of the applicant;
- (b) Name and post-office address of the manufactured housing dealer or manufactured housing broker for whom the applicant intends to act as salesperson;
- (c) A statement of the applicant's previous history, record, and association, that is sufficient to establish to the satisfaction of the commission the applicant's reputation in business;
- (d) A statement as to whether the applicant intends to engage in any occupation or business other than that of a manufactured housing salesperson;
- (e) A statement as to whether the applicant has ever had any previous application for a manufactured housing salesperson license refused or, prior to July 1, 2010, any application for a motor vehicle

salesperson license refused, and whether the applicant has previously had a manufactured housing salesperson or motor vehicle salesperson license revoked or suspended;

(f) A statement as to whether the applicant was an employee of or salesperson for a manufactured housing dealer or manufactured housing broker whose license was suspended or revoked;

(g) A statement of the manufactured housing dealer or manufactured housing broker named therein, designating the applicant as the dealer's or broker's salesperson; and

(h) A report sent directly from the state bureau of criminal investigation.

(2) Each application shall be accompanied by a check or money order made payable to "Treasurer, State of Ohio", or a credit card payment (convenience fee added) in the following amounts:

(a) The original licensing fee shall be one hundred fifty dollars;

(b) The replacement license fee shall be twenty-five dollars;

(c) The renewal fee shall be one hundred fifty dollars;

(d) The late renewal fee to be paid in addition to the renewal fee shall be seventy-five dollars; and

(e) The transfer license fee shall be twenty-five dollars.

(3) Incomplete applications shall be held open for six months following notification of incomplete requirements by regular mail, facsimile or email. After five months, a final notice of incomplete application shall be mailed by certified mail, return receipt requested. If at the end of the six month period the application remains incomplete, it shall be considered abandoned and the applicant shall be required to submit a new application, including any fees.

Effective: 12/01/2012

R.C. 119.032 review dates: 10/01/2014

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.01, 4781.17

Prior Effective Dates: 7/1/2010, 6/2/2011

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

(A) General

(1) To safeguard the health and safety of the public and the state of Ohio, to maintain integrity and high standards of skills and practice in the sale of manufactured homes, the following rules of professional conduct, promulgated in accordance with Chapter 4781. of the Revised Code, shall be binding upon every person holding a license as a manufactured home dealer, broker, or salesperson in Ohio.

(2) The manufactured home dealer, broker, or salesperson is charged with having knowledge and understanding of Chapter 4781. of the Revised Code and its rules for his or her conduct. Such knowledge shall encompass the understanding that the sale of manufactured homes, is a privilege, as opposed to a right, and the licensee shall be forthright and candid in statements or written responses to the commission or its designee on matters pertaining to professional conduct.

(B) Code of ethics for manufactured homes dealers, brokers, or salespersons

(1) The manufactured home dealer, broker, or salesperson shall protect the health and safety of the public and colleagues in the performance of professional duties and conform to the highest standards of professional conduct.

(2) The manufactured home dealer, broker, or salesperson shall at all times act with complete integrity for each client and shall be honest in all dealings with customers and the public.

(3) The manufactured home dealer, broker, or salesperson shall respond promptly to all complaints.

(4) The manufactured home dealer, broker, or salesperson shall comply with all federal, state, and local laws and regulations related to the sale, transfer, or movement of a manufactured home.

(5) The dealer, broker, or salesperson shall maintain current knowledge of the products, methods, techniques and technology associated with the sale of manufactured homes and with related business practices.

(6) The manufactured home dealer, broker, or salesperson who has knowledge or reason to believe that another person or firm is guilty of violating any of the provisions of Chapter 4781. of the Revised Code or the rules promulgated thereunder, shall immediately notify the commission in writing.

(7) The manufactured home dealer, broker, or salesperson shall not directly or indirectly pay, solicit or offer any bribe or payment for professional employment or to influence favorable results.

(8) The manufactured home dealer, broker, or salesperson shall not falsify or permit misrepresentations of his or her professional qualifications.

(9) The manufactured home dealer, broker, or salesperson shall ensure that any advertisements,

brochures, or other solicitations do not misrepresent pertinent facts with the intent to mislead any member of the public.

(C) Conviction of a felony or the revocation or suspension of a license in another jurisdiction for conduct that would violate any of part of this rule if it occurred in the state of Ohio may be grounds for the commission to charge the licensee with a violation of this rule.

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.18

4781-11-02 Denial of licensure.

(A) The executive director of the commission or the commission shall deny the application of any person for a license as a manufactured housing dealer or manufactured housing broker and refuse to issue the license if the executive director of the commission or the commission finds that any of the following is true of the applicant:

- (1) The applicant has made any false statement of a material fact in the application.
- (2) The applicant has not complied with Chapter 4781. of the Revised Code or the rules adopted by the commission under that chapter.
- (3) The applicant is of bad business repute or has habitually defaulted on financial obligations.
- (4) The applicant has been guilty of a fraudulent act in connection with selling or otherwise dealing in manufactured housing or in connection with brokering manufactured housing.
- (5) The applicant has entered into or is about to enter into a contract or agreement with a manufacturer or distributor of manufactured homes that is contrary to the requirements of this chapter.
- (6) The applicant is insolvent.
- (7) The applicant is of insufficient responsibility to ensure the prompt payment of any final judgments that might reasonably be entered against the applicant because of the transaction of business as a manufactured housing dealer or manufactured housing broker during the period of the license applied for, or has failed to satisfy any such judgment.
- (8) The applicant has no established place of business that, where applicable, is used or will be used for the purpose of selling, displaying, offering for sale or dealing in manufactured housing at the location for which application is made.
- (9) Within less than twelve months prior to making application, the applicant has been denied a manufactured housing dealer's license or manufactured housing broker's license, or has had any such license revoked.

(B) The executive director of the commission or the commission shall deny the application of any person for a license as a salesperson and refuse to issue the license if the executive director of the commission or the commission finds that any of the following is true of the applicant:

- (1) The applicant has made any false statement of a material fact in the application.
- (2) The applicant has not complied with Chapter 4781. of the Revised Code or the rules adopted by the commission under that chapter.
- (3) The applicant is of bad business repute or has habitually defaulted on financial obligations.

- (4) The applicant has been guilty of a fraudulent act in connection with selling or otherwise dealing in manufactured housing.
- (5) The applicant has not been designated to act as salesperson for a manufactured housing dealer or manufactured housing broker licensed to do business in this state under Chapter 4781. of the Revised Code, or intends to act as salesperson for more than one licensed manufactured housing dealer or manufactured housing broker at the same time, unless the licensed dealership is owned or operated by the same corporation, regardless of the county in which the dealership's facility is located.
- (6) The applicant holds a current manufactured housing dealer's or manufactured housing broker's license issued under Chapter 4781. of the Revised Code, and intends to act as salesperson for another licensed manufactured housing dealer or manufactured housing broker.
- (7) Within less than twelve months prior to making application, the applicant has been denied a salesperson's license or had a salesperson's license revoked.
- (8) The applicant was salesperson for, or in the employ of, a manufactured housing dealer or manufactured housing broker at the time the dealer's or broker's license was revoked.
- (C) If an applicant for a manufactured housing dealer or manufactured housing broker's license is a corporation or partnership, the commission may refuse to issue a license if any officer, director, or partner of the applicant has been guilty of any act or omission that would be cause for refusing or revoking a license issued to such officer, director, or partner as an individual. The commission's finding may be based upon facts contained in the application or upon any other information the commission may have.
- (D) Notwithstanding paragraph (A)(4) of this rule, the commission shall not deny the application of any person and refuse to issue a license if the commission finds that the applicant is engaged, or will engage, in the business of selling at retail any new manufactured homes and demonstrates that the applicant has posted a bond, surety, or certificate of deposit with the commission in an amount not less than one hundred thousand dollars for the protection and benefit of the applicant's customers.
- (E) A decision to deny the application of any person for a license as a manufactured housing dealer or manufactured housing broker or as a salesperson and refuse to issue the license made by the executive director of the commission or the commission under this section may be based upon any statement contained in the application or upon any facts within the executive director of the commission or the commission's knowledge.
- (F) Immediately upon denying an application for any of the reasons in this section, the commission shall enter a final order together with the commission's findings. If the application is denied by the executive director of the commission, the executive director of the commission shall enter a final order together with the director's findings and certify the same to the commission. The commission shall issue to the applicant a written notice of refusal to grant a license that shall disclose the reason for denial.

Effective: 07/01/2010

R.C. 119.032 review dates: 06/21/2015

Promulgated Under: 119.03

Statutory Authority: 4781.04 and 4781.05

Rule Amplifies: 4781.18

4781-11-03 License issuance.

At the time the commission or the executive director of the commission grants the application of any person for a license as a manufactured housing dealer, manufactured housing broker, or manufactured housing salesperson, the commission shall issue to the person a license that includes the name and post-office address of the person licensed. If a manufactured housing dealer or manufactured housing broker has more than one place of business in a county, the dealer or broker shall make application, in such form as the commission prescribes, for a certified copy of the license issued to the dealer or broker for each place of business in the county.

Effective: 07/01/2010

R.C. 119.032 review dates: 06/21/2015

Promulgated Under: 119.03

Statutory Authority: 4781.04 and 4781.05

Rule Amplifies: 4781.18 and 4781.19

4781-11-04 Replacement license.

In the event of the loss, mutilation, or destruction of a manufactured housing dealer's license, manufactured housing broker's license, or manufactured housing salesperson's license, any licensee may make application to the commission, in the form prescribed by the commission, for a duplicate copy thereof and pay a fee of twenty-five dollars.

Effective: 07/01/2010

R.C. 119.032 review dates: 06/21/2015

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.19

4781-11-05 License renewal.

(A) All manufactured housing dealers' licenses and all manufactured housing brokers'

licenses, issued or renewed shall expire biennially on the thirty-first day of March, unless previously suspended or revoked. Before the first day of April in the year that the license expires, each licensed manufactured housing dealer and manufactured housing broker shall file an application for the renewal of such license prior to the date of expiration of the license. The fee required for renewal of a license shall be the same fee as that charged for the issuance of an original license at the time of application and shall accompany the application.

(B) All manufactured housing salespersons' licenses issued or renewed shall expire biennially on the thirtieth day of June, unless previously suspended or revoked. Before the first day of July in the year that the license expires, each licensed manufactured housing salesperson shall file an application for the renewal of such license. The fee required for renewal of a license shall be the same fee as that charged for the issuance of an original license at the time of application and shall accompany the application.

(C) The commission shall provide the licensee the renewal form. The notice and an accompanying renewal application shall be provided to the licensee by regular mail, facsimile, or email to the licensee's address in the commission's records at least thirty days prior to the expiration of the license.

(D) The commission may renew the license if the licensee meets the following requirements:

(1) Submits the renewal form and the renewal fee, or late fee as set forth in rule 4781-11-01 of the Administrative Code, if any, prior to the license date of expiration or, for applications completed on-line, by midnight on or before the date of expiration or earlier with the renewal fee;

(2) Signs a statement regarding felony or other criminal convictions; and

(3) Demonstrates compliance with the requirements of Chapter 4781. of the Revised Code and commission rules.

(E) Any renewal application that is postmarked or completed on-line after the renewal deadline shall include the renewal fee and late fee, as set forth in rule 4781-11-01 of the Administrative Code.

(F) Each salesperson who complies with the renewal requirements shall receive a new identification card.

(G) Failure to timely renew

(1) A licensee who fails to renew in accordance with the commission rules after the renewal deadline, shall be automatically placed on lapsed status. If licensee fails to activate their license under lapsed status within twenty-four months, the licensee shall be required to reapply in accordance with rule 4781-8-01 of the Administrative Code, including all applicable fees.

(2) "Good cause" waivers or extensions

(a) The commission may extend the renewal period and may waive the late renewal fee in cases of certified illness, disability, military service, foreign residence, or for good cause that prevents timely renewal. Waivers or extensions of time shall be determined by the commission or its designee on a case-by-case basis.

(b) If the commission grants an extension of time for renewal, the license shall not be reissued until the licensee has completed the renewal process as required by the commission.

(c) For the purpose of this rule, "good cause" means any non-reoccurring facts or circumstances outside the control of the licensee that hindered or prevented the licensee from renewing in a timely manner.

Effective: 12/01/2012

R.C. 119.032 review dates: 06/21/2015

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.19

Prior Effective Dates: 7/1/2010

4781-11-06 Display of license.

Each manufactured housing dealer and manufactured housing broker shall keep the license or a certified copy thereof and a current list of the dealer's or the broker's licensed salespersons, showing the names, addresses, and serial numbers of their licenses, posted in a conspicuous place in each place of business. Each salesperson shall carry the salesperson's license or a certified copy thereof and shall exhibit such license or copy upon demand to any inspector of the commission, state highway patrol trooper, police officer, or person with whom the salesperson seeks to transact business as a manufactured housing salesperson.

Effective: 07/01/2010

R.C. 119.032 review dates: 06/21/2015

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.19

4781-11-07 Notification of change of information.

(A) Each licensed manufactured housing dealer and manufactured housing broker shall notify the manufactured homes commission of any change in status as a manufactured housing dealer or manufactured housing broker during the period for which the dealer or broker is licensed, if the change of status concerns either of the following:

- (1) Personnel of owners, partners, officers, or directors;
- (2) Location of an office or principal place of business.

(B) The notification required by paragraph (A) of this rule shall be made by filing with the commission, within fifteen days after the change of status, a supplemental statement in a form prescribed by the commission showing in what respect the status has been changed.

Effective: 07/01/2010

R.C. 119.032 review dates: 06/21/2015

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.23

4781-11-08 Written contract requirements.

(A) Every retail sale of a manufactured home or mobile home shall be preceded by a written contract that shall contain all of the agreements of the parties and shall be signed by the buyer and the seller. The seller, upon execution of the contract and before the delivery of the manufactured or mobile home, shall deliver to the buyer a copy of the contract that shall clearly describe all of the following:

- (1) The home sold to the buyer, including, where applicable, its vehicle identification number;
- (2) The sale price of the home, and, if applicable, the amount paid down by the buyer;
- (3) The amount credited to the buyer for any trade-in and a description thereof;
- (4) The amount of any finance charge;
- (5) The amount charged for any home insurance and a statement of the types of insurance provided by the policy or policies;
- (6) The amount of any other charge and a specification of its purpose;
- (7) The net balance of payment due from the buyer including the terms of the payment of the net balance.
- (8) The circumstances related to the requirement of an earnest money deposit, including, but not limited to, the amount and the terms and conditions under which the earnest money deposit is refundable.

(B) A manufactured housing dealer may contract for and receive a documentary service charge for a retail sale of a manufactured home or mobile home. The documentary service charge shall be specified in writing without itemization of the individual services provided and shall not be more than the lesser of the following:

- (1) The amount allowed in a retail installment contract;
- (2) Ten per cent of the amount the buyer is required to pay pursuant to the contract, excluding tax, title, and registration fees, and any negative equity adjustment.

(C) This rule does not apply to a casual sale of a manufactured home or mobile home.

Effective: 12/01/2012

R.C. 119.032 review dates: 06/21/2015

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.24

Prior Effective Dates: 7/1/2010

4781-11-09 Manufactured housing dealer net worth and bond requirement.

No manufactured housing dealer shall be issued a manufactured housing dealer's license or permitted to operate under such a license unless the manufactured housing dealer has a net worth, verifiable upon request by the commission, in the sum of at least seventy-five thousand dollars. The manufactured housing dealer shall also purchase and maintain a bond in the amount of twenty-five thousand dollars of a surety company authorized to transact business in this state, to which claims may be made to:

(A) Recover any loss a purchaser(s) or prospective purchaser(s) may experience from a loss of their financial down payment due to the dealer's inability to fulfill its contractual obligations to the purchaser (s) or potential purchaser(s); and

(B) Recover any loss incurred by the purchaser, or prospective purchaser, as a result of a conviction of a fraudulent act in a court of competent jurisdiction committed by the applicant, licensee, representative, or salesperson.

Effective: 06/02/2011

R.C. 119.032 review dates: 10/01/2014

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.18(A)(7)

Prior Effective Dates: 07/01/2010

4781-11-10 Manufactured housing broker bond requirements.

Every applicant for a manufactured housing broker license and every licensed manufactured housing broker shall purchase and maintain a bond in the amount of twenty-five thousand dollars of a surety company authorized to transact business in this state, to which claims may be made to:

(A) Recover any loss a purchaser or prospective purchaser may experience concerning the down payment toward the purchase of a manufactured housing;

(B) Recover any loss a purchaser or prospective purchaser may experience as a result of the misuse by the manufactured housing broker of a noninterest-bearing special or trust account of deposits or of any funds that are legally required to be deposited therein;

(C) Satisfy any person who suffers a loss because taxes were not collected or paid by the manufactured housing broker on the purchase of manufactured housing;

(D) Recover any loss incurred by the purchaser or prospective purchaser, as a result of a conviction of a fraudulent act in a court of competent jurisdiction committed by the applicant, licensee, representative, or salesperson.

Effective: 06/02/2011

R.C. 119.032 review dates: 10/01/2014

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.25

Prior Effective Dates: 07/01/2010

4781-11-11 Manufactured housing broker special or trust bank account.

(A) Each person licensed as a manufactured housing broker shall at all times maintain a special or trust bank account that is noninterest-bearing, is separate and distinct from any personal or other account of the manufactured housing broker, and into which shall be deposited and maintained all escrow funds, security deposits, and other moneys received by the manufactured housing broker in a fiduciary capacity. The depository where special or trust accounts are maintained in accordance with this rule shall be located in Ohio.

(B) Upon renewal, every licensed manufactured housing broker shall submit written proof to the commission of the continued maintenance of the special or trust account required to be maintained by this chapter. The written proof shall set forth that:

- (1) The special or trust bank account is noninterest-bearing;
- (2) The special or trust bank account is separate and distinct from any personal or other account of the manufactured housing broker;
- (3) The dates of existence of the account; and
- (4) The depository where the special or trust accounts are maintained is located in the state of Ohio.

Effective: 06/02/2011

R.C. 119.032 review dates: 10/01/2014

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.25

Prior Effective Dates: 07/01/2010

4781-11-12 Salesperson license suspension, reinstatement, and transfer.

(A) Any salesperson's license shall be suspended upon:

(1) The termination, suspension, or revocation of the license of the manufactured housing dealer or manufactured housing broker for whom the salesperson is acting; or

(2) The salesperson leaving the service of a licensed manufactured housing dealer or manufactured housing broker.

(B) If the salesperson's license was suspended due to provisions of paragraph (A)(1) or (A)(2) of this rule, the licensed salesperson may make application to the commission pursuant to the requirements of paragraphs of rule 4781:11-01 of the Administrative Code to have the salesperson's license reinstated, transferred, and registered as a salesperson for another dealer or broker. If the information contained in the application is satisfactory to the commission, the commission shall reinstate, transfer, or register the salesperson's license as a salesperson for other dealer or broker. The fee for the reinstatement and transfer of a salesperson's license is twenty-five dollars.

Effective: 07/01/2010

R.C. 119.032 review dates: 06/21/2015

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.21

4781-11-13 Investigation initiation.

(A) The commission may, upon its own motion, investigate any license holder for alleged violations of law or of the rules of this commission. If such investigation discloses any such violations, such license holder shall be informed that reasonable grounds for suspension or revocation of the license exist.

(B) The commission shall, upon verified written complaint of any person filed with the commission, investigate as to the matters complained of, and if such investigation develops any apparent violation of the laws or of the rules of this commission, such license holder shall be informed that reasonable grounds for suspension or revocation of the license exist.

Effective: 07/01/2010

R.C. 119.032 review dates: 06/21/2015

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.21

4781-11-14 Complaint procedure.

(A) Any person who believes that a manufactured housing dealer or a manufactured housing broker or a manufactured housing salesperson has violated any provision of Chapter 4781. of the Revised Code or the commission rules, may file a verified or unverified written complaint with the commission.

(B) Upon receipt of a written complaint, the commission or its designee shall follow the following procedure:

(1) Send an acknowledgement letter to the complainant and the licensee requesting the licensee to respond to the petition and may request any additional information if necessary.

(2) The executive director of the commission or his or her designee shall review the complaint, to determine if further information or investigation is needed. However, if the written complaint is verified, there shall be an investigation.

(3) The executive director or his or her designee shall report to the commission the facts of the review of the complaint. The commission may take the following action:

(a) Close with no further action;

(b) Refer for further investigation; or

(c) Refer for disciplinary action against a licensee.

(4) The commission or its designee may initiate an investigation inspection of a licensee on its own motion to determine whether the licensee is in compliance with Chapter 4781. of the Revised Code and the rules promulgated thereunder.

Effective: 07/01/2010

R.C. 119.032 review dates: 06/21/2015

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.21

4781-11-15 Adjudication process.

(A) The commission shall determine the need for adjudication hearings in accordance with sections 119.06 to 119.13 of the Revised Code.

(1) After a denial, revocation, or suspension of a license issued pursuant to Chapter 4781. of the Revised Code, the commission shall notify the licensee or applicant of their right to request a hearing. The notice shall be in writing and sent by certified mail, return receipt requested.

(2) The notice shall include:

(a) The charges or reasons for the denial, suspension or revocation;

(b) The applicable laws or rules directly involved; and

(c) A statement informing the licensee or applicant that:

(i) The licensee or applicant is entitled to a hearing if a written petition is received by the manufactured homes commission within thirty days of the date the notice was mailed. If no appeal is taken within thirty days of receipt of the order, the order is final and conclusive;

(ii) All appeals must be by petition in writing and verified under oath by the applicant whose application for license was being revoked, suspended, denied, or not renewed, and must set forth the reason for the appeal and the reason why, in the petitioner's opinion, the order is not correct. The original and at least one copy shall be filed with the commission. The petition shall include a copy of the order from which the appeal is taken.

(iii) The licensee or applicant may appear in person or be represented by an attorney;

(iv) The licensee or applicant may choose to present their position, argument, or contentions in writing; and

(v) The licensee or applicant may present evidence, and examine witnesses appearing on the licensee or applicant's behalf and cross-examine the commission's witnesses at the hearing.

(3) Upon receiving a request within thirty days of the date of the mailing of the notice for hearing from the licensee or applicant, the commission or its executive director shall immediately set the date, time, and location of the hearing. The date set for hearing shall be within seven and fifteen days of receiving the request for hearing, unless continued by the commission on its own motion or continued by agreement of both parties.

(4) The executive director may issue subpoenas for any witnesses or to compel the production of any books, records, or papers in accordance with Chapter 119. of the Revised Code upon request of the licensee, applicant, or legal counsel to the commission. Such request for subpoenas shall be made no later than fourteen days prior to the date of the adjudication hearing. The service and enforcement of subpoenas shall be made in accordance with Chapter 119. of the Revised Code.

(5) A licensee, applicant or representative of the licensee or applicant may request a continuance of the scheduled hearing by submitting a written request no later than fourteen days prior to the scheduled hearing date. The executive director may grant a continuance upon good cause.

(B) At any hearing before the commission, the record of which may be the basis of an appeal to a court, a stenographic record of the testimony and other evidence submitted shall be taken at the expense of the commission.

(C) In all hearings before the commission, the procedure shall be as follows:

(1) The attorney general concisely may state his case and briefly may state his evidence to sustain it.

(2) The license holder, or his attorney, may then briefly state his case, and briefly may state his evidence in support of it.

(3) The attorney general first must produce his evidence and the license holder, or his attorney must then produce his evidence.

(4) The attorney general may offer evidence in rebuttal.

(5) The commission may in its discretion hear arguments.

(6) The commission may in its discretion request or permit the filing of briefs.

(D) In all hearings before the commission, the introduction of evidence shall be governed in general by the rules of evidence.

(E) The commission may call the license holder to testify under oath as upon cross-examination.

(F) Briefs shall be clearly typewritten or photocopied. The party filing the brief shall furnish the opposite party or his attorney with one copy and file with the commission ten copies.

(G) After submission of the case to the commission, the commission may retire and deliberate immediately or take the case under advisement.

(H) The decision of the commission shall be written and a copy of such decision shall be mailed to the license holder by certified mail, return receipt requested, and a copy mailed to the attorney for the license holder, if any. A copy also shall be forwarded to the attorney general.

(I) The commission shall keep a docket and enter into such docket all cases before the commission. Said docket shall be open to public inspection.

Effective: 07/01/2010

R.C. 119.032 review dates: 06/21/2015

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.21

4781-11-16 Manufactured housing broker business establishment.

(A) A manufactured housing broker shall have an established place of business that shall include an office that is permanent in nature, with office equipment and supplies that are sufficient to assist in conducting the business of brokering manufactured housing year round. The office shall have, at minimum, a landline telephone number (not a cellular phone) in service at all times, that is listed in the local telephone directory as, and answered in the name of, the manufactured housing broker, electric lighting, and heating that is sufficient and reasonable for a retail office environment. An established place of business that is used for brokering previously owned manufactured housing shall be considered used exclusively for that purpose even though its facility is located in a manufactured home park or office complex, and even though rent and other activities related to operating a manufactured home park take place at the same location.

(B) The office shall be clearly identified, easily accessible, and open to the public, a minimum of thirty hours a week, at least six of which shall occur Monday through Friday. The office shall be kept neat and orderly at all times, and shall not be used as storage or other utility area. The office shall be separate from a personal residence.

(C) The business hours shall be legible and posted in a conspicuous place near the entrance of the office.

(D) The office shall be staffed at all posted hours by an owner, partner, officer or licensed salesperson.

Effective: 07/01/2010

R.C. 119.032 review dates: 06/21/2015

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.18

4781-11-17 Manufactured housing dealer business establishment.

(A) A manufactured housing dealer shall have an established place of business that shall include an office that is permanent in nature, with office equipment and supplies that are sufficient to assist in conducting the business of selling manufactured housing year round. The office shall have, at minimum, a landline telephone number (not a cellular phone) in service at all times, that is listed in the local telephone directory as, and answered in the name of, the manufactured housing dealer, electric lighting, and heating that is sufficient and reasonable for a retail office environment. An established place of business that is used for selling manufactured housing shall be considered used exclusively for that purpose even though its facility is located in a manufactured home park or office complex, and even though rent and other activities related to operating a manufactured home park take place at the same location. The dealer's established place of business in a manufactured home park shall be staffed by someone licensed and regulated under this chapter who could reasonably assist any retail customer, with or without an appointment, but such established place of business need not satisfy office, size, display lot size, and physical barrier requirements as referenced in this chapter.

(B) The office shall be clearly identified, easily accessible, and open to the public, a minimum of thirty hours a week, at least six of which shall occur Monday through Friday. The office shall be kept neat and orderly at all times, and shall not be used as storage or other utility area. The office shall be separate from a personal residence. If the dealership is located in a manufactured home park, posted office hours must be adhered to, however, the salesperson is allowed to be out of the office during posted office hours if there are instructions on the door on how to reach the salesperson. The salesperson must be available to reasonably assist customers with or without an appointment. The office for dealerships located in manufactured home parks can be in a model home or an office. If, however, the commission's investigation reveals that the dealer applicant's local area would be better served, the commission may grant the applicant a manufactured housing dealer license if the applicant has substantially complied with the provisions laid forth in this chapter.

(C) The business hours shall be legible and posted in a conspicuous place near the entrance of the office.

(D) An established place of business which shall include a lot of at least three thousand five hundred square feet, not including driveways, with adequate ground cover of a hard surface (gravel, concrete, etc.) to prevent the collection of dust, mud, water, or other unsightly conditions.

(E) The display lot must be separated from any other business or residence with a permanent physical barrier that is sufficient to deter normal vehicular and pedestrian traffic. The barrier may not be able to be moved or removed.

(F) A permanent office of at least one hundred eighty square feet of usable office area, located on the display lot, which shall be kept in a neat and orderly fashion. The office must include the following:

(1) Desk;

(2) Chair;

(3) Filing cabinet;

(4) Electric lighting sufficient for an office;

(5) Heating sufficient for an office;

(6) Telephone, in service at all times, listed and answered in the dealership's name,

(G) A sign showing the exact name of the business as it appears on the application. In the event the manufactured housing dealer is located in a manufactured home park, the signage can be in the name of the manufactured home park. The manufactured housing dealer shall also provide sufficient disclosure to all purchasers and potential purchasers that the manufactured housing dealer is licensed by the commission to deal in manufactured homes. This disclosure shall include the actual name of the authorized licensee as provided by the applicant to the commission. At the time of application, the applicant must provide clear photographs (via mail or email) of the location showing: (1) the lot, (2) the office (inside and outside), and (3) business name sign, including any registered trade names. No applicant shall be issued a license unless their application shall show the business for which the license is sought is equipped with a suitable sign, property maintained and prominently displayed, and permanent, identifying the ownership of said business in the same name in which the application is filed. Sign letters identifying the business shall be no less than six inches high.

(H) The office shall be staffed at all posted hours by an owner, partner, officer or licensed salesperson.

Effective: 06/02/2011

R.C. 119.032 review dates: 10/01/2014

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.18

Prior Effective Dates: 07/01/2010

4781-11-18 Record retention.

(A) A manufactured housing dealer and a manufactured housing broker shall maintain the following records of all manufactured housing purchased, leased and sold:

- (1) Name and address of the previous owner;
- (2) Serial number where applicable (vehicle identification number);
- (3) Title number, county and state;
- (4) Year and make of said manufactured housing;

(5) A purchase agreement for each manufactured housing sold, which shall include a description of the manufactured housing, the name, address, and phone number of the purchaser, the address where the home is going to if different than the purchaser's address, the sales price, and may include the manufactured housing dealer's or manufactured housing broker's permit number;

(6) Lease contracts and security agreements.

(B) Records must be maintained and easily accessible for a period of three years by those holding a license granted under Chapter 4781. of the Revised Code and by any person who held a license and has since gone out of business.

(C) The business records shall be open for reasonable inspection by the commission.

Effective: 06/02/2011

R.C. 119.032 review dates: 10/01/2014

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.04

Prior Effective Dates: 07/01/2010

4781-11-19 Prohibited activities.

(A) Except as provided in paragraph (E) of this rule, no person shall do any of the following:

(1) Engage in the business of displaying or selling at retail manufactured homes or mobile homes or assume to engage in that business, unless the person is licensed as a manufactured housing dealer under Chapter 4781. of the Revised Code, or is a salesperson licensed under Chapter 4781. of the Revised Code and employed by a licensed manufactured housing dealer;

(2) Make more than five casual sales of manufactured homes or mobile homes in a twelve-month period without obtaining a license as a manufactured housing dealer under Chapter 4781. of the Revised Code;

(3) Purchase a manufactured home directly from the manufacturer without obtaining a license as a manufactured housing dealer under Chapter 4781. of the Revised Code;

(4) Engage in the business of brokering manufactured homes unless that person is licensed as a manufactured housing broker under Chapter 4781. of the Revised Code or licensed as a real estate broker or salesperson pursuant to Chapter 4735. of the Revised Code.

(B) Except as provided in this division, no manufactured housing dealer shall sell, display, offer for sale, or deal in manufactured homes or mobile homes at any place except an established place of business that is used exclusively for the purpose of selling, displaying, offering for sale, or dealing in manufactured homes or mobile homes.

(C) No manufactured housing broker shall engage in the business of brokering manufactured or mobile homes at any place except an established place of business that is used exclusively for the purpose of brokering manufactured and mobile homes.

(D) A place of business used for the brokering or sale of manufactured homes or mobile homes is considered to be used exclusively for brokering, selling, displaying, offering for sale, or dealing in manufactured or mobile homes, even though industrialized units, as defined by section 3781.06 of the Revised Code, are brokered, sold, displayed, offered for sale, or dealt at the same place of business.

(E) If the licensed manufactured housing dealer is a manufactured home park operator, then all of the following apply:

(1) An established place of business that is located in the operator's manufactured home park and that is used for selling, leasing, and renting manufactured homes and mobile homes in that manufactured home park is considered to be used exclusively for that purpose, even though rent and other activities related to the operation of the manufactured home park take place at the same location or office.

(2) The dealer's established place of business in the manufactured home park shall be staffed by someone licensed and regulated under this chapter who could reasonably assist any retail customer with or without an appointment, but such established place of business need not satisfy office size, display lot size, and physical barrier requirements applicable to other used motor vehicle dealers.

(3) The manufactured and mobile homes being offered for sale, lease, or rental by the dealer may be located on individual rental lots inside the operator's manufactured home park.

(F) Nothing in this rule shall be construed as prohibiting the sale of a new or used manufactured or mobile home located in a manufactured home park by a licensed manufactured housing dealer.

(G) Nothing in this rule shall be construed to prohibit persons licensed under this Chapter 4781. of the Revised Code from making sales calls.

(H) This chapter does not apply to mortgagees selling at retail only those manufactured homes or mobile homes that have come into their possession by a default in the terms of a mortgage contract.

(I) When a partnership licensed under Chapter 4781. of the Revised Code is dissolved by death, the surviving partners may operate under the manufactured housing dealer license for a period of sixty days, and the heirs or representatives of the deceased persons and receivers or trustees in bankruptcy appointed by any competent authority may operate under the license of the person succeeded in possession by that heir, representative, receiver, or trustee in bankruptcy.

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.16

4781-11-20 Foreign business license.

Any person whose principal place of business is located outside of Ohio, and who is not otherwise required to be licensed pursuant to Chapter 4781. of the Revised Code, shall not sell at retail, display, offer for sale, or deal in manufactured housing that is to be delivered into Ohio unless:

(A) The person is issued a foreign business license upon submission and approval of an application to the commission on a form prescribed by the commission; and

(B) The person is registered with the Ohio secretary of state to transact business in the state of Ohio.

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.16

4781-12-01 Manufactured home park definitions.

As used in rules 4781-12-01 to 4781-12-33 of the Administrative Code:

(A) "Commission" means the Ohio manufactured homes commission.

(B) "Develop" or "development" means any artificial change to improved or unimproved real estate, including, without limitation, buildings or structures, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, and the construction, expansion, or substantial alteration of a manufactured home park for which plan review is required under division (A) of section 4781.31 of the Revised Code. "Development" does not include the building, construction, erection, or manufacture of any building to which section 3781.06 of the Revised Code is applicable.

(C) "Flood" or "flooding" means either of the following:

(1) A general and temporary condition of partial or complete inundation of normally dry land areas from any of the following:

(a) The overflow of inland or tidal waters;

(b) The unusual and rapid accumulation or runoff of surface waters from any source; or

(c) Mudslides that are proximately caused by flooding as defined in paragraph (B)(1)(b) of this rule and that are akin to a river of liquid and flowing mud on the surface of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining that is caused by waves or currents of water exceeding anticipated cyclical levels or that is suddenly caused by an unusually high water level in a natural body of water, and that is accompanied by a severe storm, by an unanticipated force of nature, such as a flash flood, an abnormal tidal surge, or by some similarly unusual and unforeseeable event, that results in flooding as defined in paragraph (B)(1)(a) of this rule.

(D) "Flood plain" means the area adjoining any river, stream watercourse, or lake that has been, or may be, covered by flood water.

(E) "Freestanding auxiliary building" means a building used for storage that rests on its own support. Any structure for the specific purpose of housing or protecting fuel tanks, electrical metering equipment or other service items shall not be considered a freestanding auxiliary building.

(F) "Habitation" means use of a manufactured home as a residence.

(G) "Lateral sanitary sewer" means the portion of the sanitary sewerage system which extends as a single terminal to the manufactured home lot.

(H) "Manufactured home" has the meaning set forth in section 3781.06 of the Revised Code. For purposes of this chapter, "mobile home" also means "manufactured home".

(I) "Manufactured home drainage system" means the plumbing fixtures, fixture traps, waste and vent pipes, and all connections within or adjacent to the manufactured home.

(J) "Manufactured home lot" means any portion of a manufactured home park designated for placement of a manufactured home for habitation.

(K) "Manufactured home park" means any tract of land upon which three or more manufactured homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of the park. "Manufactured home park" does not include any of the following:

(1) A tract of land used solely for the storage or display for sale of manufactured or mobile homes or solely as a temporary park-camp, as defined in section 3729.01 of the Revised Code;

(2) A tract of land that is subdivided and the individual lots are for sale or sold for the purpose of installation of manufactured or mobile homes used for habitation and the roadways are dedicated to the local government authority; or

(3) A tract of land within an area that is subject to local zoning authority and subdivision requirements and is subdivided, and the individual lots are for sale or sold for the purpose of installation of manufactured or mobile homes for habitation.

(L) "Manufactured home park operator" or "park operator" or "operator" means the person who has responsible charge of the manufactured home park that is licensed under section 4781.26 to 4781.35 of the Revised Code and this chapter.

(M) "Manufactured home park site" means the entire tract of land developed or to be developed as a manufactured home park.

(N) ""One hundred year flood" or "based flood" means a flood having a one percent chance of being equaled or exceeded in any given year.

(O) "One hundred year flood elevation" or "base flood elevation" of a one hundred year flood means the flood level that has a one per cent or greater chance of occurrence in any given year.

(P) "One hundred year flood plain" or "base flood plain" means that area adjoining any river, stream, water-course, or lake that has been or may be inundated by a one hundred year flood.

(Q) "Owner" means a person who is entitled under a rental agreement with a manufactured home park operator to occupy a manufactured home park lot and who owns the manufactured home occupying the lot.

(R) "Person" has the same meaning as in section 1.59 of the Revised Code and also includes this state, any political subdivision of this state, and any other state or local body of this state.

(S) "Plumbing fixtures" means receptacles designed to receive water from the water system and to discharge liquid, or sewage wastes into the sanitary sewerage system with which they are connected.

- (T) "Public thoroughfare" means a street, highway or road owned or controlled by the state or a political subdivision, devoted to public use and supported and maintained by public funds.
- (U) "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the one hundred year flood without cumulatively increasing the water surface elevation more than a height designated by the federal emergency management agency or designated in local regulations or ordinances whichever is less.
- (V) "Rental Agreement" means any agreement or lease, written or oral, that establishes or modifies the terms, conditions, rules, or any other provisions concerning the use and occupancy of residential premises by one of the parties.
- (W) "Resident" has the same meaning as in section 4781.01 of the Revised Code. For purposes of this chapter, "resident" also means the person or persons using a manufactured home for habitation.
- (X) "Residential premises" means a lot located within a manufactured home park and the grounds, areas, and facilities contained within the manufactured home park for use of residents generally or the use of which is promised to a resident.
- (Y) "Sanitary sewerage system" means pipelines or conduits, pumping stations, and force mains, and all other components used for collecting or conducting liquid or sewage wastes to a point of discharge or treatment.
- (Z) "Security deposit" means any deposit of money or property to secure performance by the resident under a rental agreement.
- (AA) "Sewage" means any liquid waste materials resulting from cooking and washing activities or any substance that contains excrementitious waste products.
- (BB) "Sewer connector" means any pipe connecting the manufactured home plumbing system with the lateral sanitary sewer.
- (CC) "Solid wastes" means such unwanted residual solid or semisolid material as results from commercial and community operations, including, but not limited to, garbage, street dirt, debris and combustible and noncombustible material.
- (DD) "Substantial damage" means damage of any origin sustained by a manufactured home that is situated in a manufactured home park located in a flood plain when the cost of restoring the manufactured home to its condition before the damage occurred will equal or exceed fifty per cent of the market value of the manufactured home before the damage occurred. "Substantial damage" also means damage of any origin sustained by freestanding auxiliary buildings, room additions, other accessory structures connected to a manufactured home, water, sewage, or electrical systems, or other service facilities including but not limited to heating, ventilation, plumbing, and air conditioning equipment, fuel oil tanks, and propane gas cylinders situated in such manufactured home parks.
- (EE) "Substantially alter" means a change in the layout or design of a manufactured home park including, without limitation, the movement of utilities or changes in established streets, lots, or in other facilities. In the case of manufactured home parks located within a one hundred year flood plain,

"substantially alter" also includes changes in elevation resulting from the addition of fill, grading, or excavation that may affect flood plain management.

(FF) "Tenant" means a person who is entitled under a rental agreement with a manufactured home park operator to occupy a manufactured home park lot, and who does not own the manufactured home occupying the lot.

(GG) "Tract" means a contiguous area of land that consists of one or more parcels or lots that have been separately surveyed, regardless of whether the individual parcels or lots have been recorded and regardless of whether the one or more parcels or lots are under common or different ownership.

(HH) "Water service pipe" means the pipe from the water main or other source of water supply to the building, manufactured home, or water outlet served.

(II) "Water system" means any facility or part thereof used as a source of supply, or used for collection, treatment, storage, pumping, or distribution of water for human consumption.

(JJ) "Wetlands" means areas of land where the water table is at, near, or above the land surface long enough each year to result in the formation of characteristically wet soil types, and support the growth of water dependent vegetation. Wetlands include, but are not limited to marshes, swamps, bogs, fens, and other such low-lying areas.

Replaces: 3701-27-01

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04, 4781.26

Rule Amplifies: 4781.01

Prior Effective Dates: 7/1/71, 6/1/1979, 9/3/1983, 11/13/1992

4781-12-02 Application of rules; license for manufactured home parks.

(A) All manufactured home parks shall comply with the provisions of Chapter 4781-12 of the Administrative Code.

(B) No person shall maintain or operate a manufactured home park in this state without a license issued by the commission. The license shall be issued for a period not to exceed one year and may be suspended or revoked at any time for failure to comply with any provision of Chapter 4781.12 of the Administrative Code, or sections 4781.26 to 4781.51 of the Revised Code.

Replaces: 3701-27-02

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04, 4781.26

Rule Amplifies: 4781.27

Prior Effective Dates: 7/1/71, 6/1/1979, 9/6/1998

4781-12-03 Manufactured home park license, contents of.

The license shall state the name and address of the person responsible for the maintenance and operation of the manufactured home park, the name and location of the manufactured home park, the maximum number of manufactured homes for which the manufactured home park is licensed on a form prescribed by the commission. Such license shall be displayed in a conspicuous place in the manufactured home park at all times. No person who has received a license, upon the sale or disposition of the manufactured home park, may have the license transferred to the new owner.

Replaces: 3701-27-03

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04, 4781.26

Rule Amplifies: 4781.27

Prior Effective Dates: 7/1/71, 12/1/76, 6/1/1979, 9/6/1998

4781-12-04 Application for manufactured home park license.

(A) On or after the first day of December but before the first day of January of the next year, every person who intends to operate a manufactured home park shall procure a license to operate the park for the next year from the commission. A person shall obtain a separate license to operate each manufactured home park. This provision shall apply to all manufactured home parks except new manufactured home parks opened for business subsequent to January first of each year. An application for a license to operate a new manufactured home park during any part of the year shall be filed as hereinafter provided not less than thirty days before the manufactured home park is opened for business. If the applicable license fee charged under paragraph (C) of this rule is not received by the commission by the close of business on the last day of December, the applicant for the license shall pay a penalty equal to twenty-five per cent of the applicable license fee. The penalty shall accompany the license fee. If the last day of December is not a business day, the penalty attaches upon the close of business on the next business day.

(B) The operator of a manufactured home park shall make written application for a license to the commission. The operator shall apply for a separate license to operate each manufactured home park. The application form shall be prescribed by the commission and shall contain pertinent information relative to the licensing of the manufactured home park. In the event of the transfer of the park operator, written application must be made to the commission within thirty days of transfer.

(C) The commission may charge a fee for an annual license to operate such a park. The fee shall be determined in accordance with section 4781.27 of the Revised Code and shall include the cost of licensing and the annual inspection.

Replaces: 3701-27-04

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04, 4781.26

Rule Amplifies: 4781.27

Prior Effective Dates: 7/1/71, 6/1/79, 8/31/90(Emer), 12/7/90, 11/13/92, 10/31/93, 11/27/97, 9/6/98, 11/15/2004

4781-12-04.1 Manufactured home park inspection.

(A) The commission or their contractually designated representative shall inspect manufactured home parks and require compliance with sections 4781.26 to 4781.35 of the Revised Code and rules adopted thereunder.

(B) The commission or their contractually designated representative shall have authority to enter mobile home parks at reasonable times to conduct inspections and investigate conditions relating to the enforcement of rules 4781-12-01 to 4781-12-33 of the Administrative Code.

(C) Boards of health of city or general health districts shall have the first refusal for those contracts.

Replaces: 3701-27- 04.1

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04, 4781.26

Rule Amplifies: 4781.31

Prior Effective Dates: 6/1/79

4781-12-04.2 Manufactured home park license fee categories.

The license fees established by the commission for manufactured home parks shall be based on a base fee and the number of lots in the park, and charged in accordance with the following categories:

(A) A base fee of one hundred fifty dollars annually per park; and

(B) A fee of four dollars and fifteen cents per lot annual.

Replaces: 3701-27- 04.02

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04, 4781.26

Rule Amplifies: 4781.28

Prior Effective Dates: 8/31/90 (Emer), 12/7/1990, 11/13/1992

4781-12-05 Development plan approval required.

(A) No person shall develop a manufactured home park, cause development to occur within any portion of a manufactured home park, or reopen a manufactured home park on the site of a former manufactured home park until the plans therefore have been submitted to and reviewed and approved by the commission.

(B) All development within any portion of a new or existing manufactured home park shall be performed in accordance with plans as approved by the commission.

(C) A person who wishes to amend approved plans shall file with the commission a written request for amendment. The request shall state specifically the type and extent of the amendments and may include supporting documents. The commission may request additional information or depending on the extent of the amendment, may require submittal of a new set of plans which comply with rule 4781-12-06 of the Administrative Code. The commission shall approve the request if the plans as amended comply with the requirements of sections 4781.26 to 4781.35 of the Revised Code and this chapter.

(D) The approval of plans issued by the commission shall be valid for three years after the date on which the commission issues the approval. If the director finds that the person developing a manufactured home park has made a good-faith effort to complete the development of the manufactured home park within the three year period but has failed for reasons beyond the person's control, the commission may grant one extension for a specified period of time not to exceed two years. A request for an extension shall be made to the commission in writing before the expiration of the initial three year period. If the development has not been completed within the original three year period plus the period of any extension granted under this paragraph, the plans shall be resubmitted in accordance with paragraphs (A) and (B) of rule 4781-12-06 of the Administrative Code.

(E) Ownership of approved plans may be transferred from one person to another provided that the person to whom the approved plans are transferred notifies the commission no more than ten days after the transfer occurs.

Replaces: 3701-27-05

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04, 4781.26

Rule Amplifies: 4781.31

Prior Effective Dates: 12/17/51, 7/1/71, 12/1/76, 6/1/1979, 9/3/1983, 11/13/92

4781-12-05.1 Submission for review and approval of development plans.

(A) Any person who proposes to develop a manufactured home park shall prior to submitting plans to the commission for approval do the following:

(1) Request that the commission conduct an evaluation of the proposed location, which shall include, but not be limited to, its topography, soil conditions, previous uses, and available utilities;

(2) Obtain flood level information for the proposed location of the manufactured home park to ensure that the manufactured home park will be protected from flooding. Flood level information shall include the elevation of the one hundred year flood as well as a delineation of the floodway limits. Flood level information can be found on maps published by the federal emergency management agency. For locations where the federal emergency management agency had not identified flood levels, or where the federal emergency management agency maps do not indicate one hundred year flood elevations or delineate floodways, the commission may require the submission of such flood information prepared by a registered engineer.

(3) If the proposed manufactured home park or any portion thereof is located within a one hundred year flood plain, submit an application to the commission for any permits under rule 4781-12-07.2 of the Administrative Code for development in a one hundred year flood plain area.

(B) The plans submitted to the commission for approval shall be prepared by a professional engineer registered to practice in Ohio, shall be submitted in quadruplicate, and shall be accompanied by or include the following:

(1) A completed plan review application on a form prescribed by the commission and signed by the owner of the manufactured home park and the person who prepared the plans. The form shall contain identifying information about the licensee or prospective licensee of the manufactured home park, the person who prepared the plans, and the contractor, if known;

(2) Location and complete identification of any wetland areas as defined in paragraph (EE) of rule 4781-12-01 of the Administrative Code within the manufactured home park site and written verification that the permit required for the development in wetland areas has been obtained from the United States army corps of engineers;

(3) Written verification by the local fire protection authority or authorities having jurisdiction in the area that adequate fire protection is provided and that applicable fire codes will be adhered to in the construction and operation of the manufactured home park;

(4) Four copies of the completed manufactured home park data sheet form prescribed by the commission and signed by the person who prepared the plans. The form shall contain identifying information about the owner of the manufactured home park, the person who prepared the plans, and the contractor for the project and information about the location and dimensional design of the manufactured home park relative to the lots, driveways, walkways, auto parking, lighting, solid waste collection and storage, storm water drainage, and water and sewer systems;

- (5) The total area of land to be used for manufactures home park purposes;
 - (6) Plot plan of total park and development phases which includes area, dimensions, and elevations. If the proposed manufactured home park or any portion of the park is to be located within a one hundred year flood plain, a map shall be submitted which has been prepared by a registered professional engineer and which shows the elevation and exact boundaries of the one hundred year flood plain, the specific areas of the park and lots within the one hundred year flood plain, and the location of the regulatory floodway if it is within the boundaries of the manufactured home park;
 - (7) Design plans for all entrance and exit streets, the internal street system and parking areas, including pavement designs and cross sections;
 - (8) Location, numbers, and sizes of manufactured home lots;
 - (9) Design and design plans for drainage of surface and storm waters;
 - (10) Location of public and private service buildings;
 - (11) Design plans for any electrical, natural gas, propane, and fuel oil distribution systems including individual manufactured home service connections;
 - (12) Are lighting plan;
 - (13) Method and plan for blocking, base support, and anchorage of manufactured homes, freestanding auxiliary buildings, room additions, or other accessory structures connected to the manufactured home;
 - (14) Method of storage and collection of solid wastes;
 - (15) Method and layout for fire protection;
 - (16) The design plans and profiles of the sanitary sewerage system and the design plans for the water system;
 - (17) Written verification that the plans for the sanitary sewerage system and the water system, if the water is to be from a public water system, have been approved by the Ohio environmental protection agency;
 - (18) A copy of the location evaluation completed by the commission under paragraph (A)(1) this rule; written verification from the local zoning authority that the land use has been zoned and approved for the development of a manufactured home park: and
 - (19) A check payable to the treasurer, state of Ohio for the review fee in an amount determined under paragraph (E) or paragraph (F) of this rule. The commission upon the request of the applicant for plan approval, may waive submission of any of the items required by this paragraph if the commission determines that they are not necessary to review the plans effectively.
- (C) If plans submitted to the commission are incomplete, the commission may request additional

information or may return the incomplete plans without review to the person who submitted the plans. However, within thirty days after receipt of the additional information requested or receipt of complete plans which comply with paragraph (B) of this rule, the commission shall approve or disapprove the plans.

(D) The commission may disapprove plans if:

(1) The person submitting plans for review fails to comply with any requirements of sections 4781.26 to 4781.35 of the Revised Code or this chapter;

(2) The proposed development would not comply with any requirement of sections 4781.26 to 4781.35 of the Revised Code or this chapter; or

(3) The plans submitted for review do not comply with the requirements of paragraph (B) of this rule or the person submitting incomplete plans fails to respond to the commission's request for additional information.

Any person aggrieved by the commission's disapproval of plans under section 4781.31 of the Revised Code or this rule may request a hearing on the matter within thirty days after receipt of the director's notice of disapproval. The hearing shall be held in accordance with Chapter 119. of the Revised Code.

(E) The fee for plan review under this rule shall be equal to three per cent of the total cost of the proposed development up to a maximum fee of three per cent of total cost not to exceed five thousand six hundred sixty-nine dollars. This fee does not include the cost of any inspections performed under rule 4781-12-06.1 of the Administrative Code.

(F) Notwithstanding paragraph (E) of this rule, the minimum fee for plan review of new development that is not a base support system for projects received by the commission on or after December 1, 2012, is four hundred five dollars. This fee does not include the cost of any inspections performed under rule 4781-12-06.1 of the Administrative Code.

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04, 4781.26

Rule Amplifies: 4781.31

4781-12-05.2 Compliance with approved plans, verification inspections.

(A) The owner or operator of a proposed manufactured home park for which plans have been approved in accordance with rule 4781-12-06 of the Administrative Code shall notify the commission in writing when development of the manufactured home park has been completed but before the developed area has been placed in operation.

(B) The commission shall inspect new development in a manufactured home park to ensure that the development is consistent with this chapter and the plans submitted and approved under rule 4781-12-06 of the Administrative Code. Development in a newly constructed manufactured home park shall be inspected prior to the issuance of the initial license to operate the new manufactured home park. Development in an existing and licensed manufactured home park shall be completed prior to occupancy or before those newly developed portions of the manufactured home park are placed into operation. The commission shall conduct the inspection within five business days of the notification required by paragraph (A) of this rule.

(C) The commission may conduct inspections at any reasonable time and may conduct more than one inspection at any stage of the development to verify that the development is consistent with the approved plans. The commission may also require the operator of a manufactured home park to provide written assurance from a registered professional engineer that any electrical, water, or sanitary sewerage systems were completed in accordance with the approved plans. Inspections of development conducted by the commission under this paragraph shall be charged at the rate of seventy-five dollars per hour including travel time. Inspection and travel time that exceeds fifty per cent of an hour shall be charged for the whole additional hour or portion thereof. The minimum fee for inspections conducted pursuant to this paragraph is one hundred twenty-five dollars. The fee for inspections conducted pursuant to this paragraph shall be invoiced by the commission within thirty days of performing the inspection. All inspection fees shall be paid within thirty days of the date of mailing the invoice by the commission. The commission shall provide two business days prior notification to a licensee if the department determines that more than three inspections of development that is conducted pursuant to paragraph (C) of this rule are required.

(D) The fee for any inspection conducted under paragraph (B) of this rule shall be one hundred sixty-five dollars per inspection.

Replaces: 3701-27- 06.1

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04, 4781.26

Rule Amplifies: 4781.31, 4781.32

Prior Effective Dates: 11/13/1992, 11/15/2004

4781-12-06 Site.

(A) The operator shall ensure that the manufactured home park site is remote from public health hazards, is well drained and is not subject to recurring flooding. Each manufactured home park lot shall be properly graded so as to prevent the accumulation of storm or other waters.

(B) If the commission notifies the operator that the manufactured home park site or any portion thereof is located in a one hundred year flood plain as determined by reference to the federal emergency management agency's flood insurance rate maps or other means, the operator shall provide to the commission within ninety days of the notice, detailed drawings and other documentation prepared by a registered professional engineer that denote the following:

- (1) The exact portions of the park which are within the one hundred year flood plain;
- (2) The elevations and exact boundaries of the one hundred year flood plain;
- (3) The lot number of any lot or portion thereof which is located within the one hundred year flood plain and the type of manufactured home located on the lot; and
- (4) The exact boundaries of the regulatory floodway limits if these are located within the manufactured home park.

Replaces: 3701-27-07

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04, 4781.26

Rule Amplifies: 4781.31, 4781.32

Prior Effective Dates: 7/1/71, 6/1/79, 9/3/1983, 11/13/1992

4781-12-07 Flood plain management - notification of flood events.

When a flood event affects a manufactured home park located in a one hundred year flood plain, the following shall occur:

(A) The operator shall notify the commission and the board of health having jurisdiction where the flood event occurred in person or by telephone of the occurrence of the flood event within two business days of the occurrence of the flood event;

(B) The commission shall notify the board of health of the occurrence of the flood event within one business day of being notified of the flood event under paragraph (A)(1) of this rule;

(C) In order to determine the extent of flood damage to the affected portions of the manufactured home park and any manufactured home or other structure, the commission shall review the report of inspection issued by the board of health pursuant to section 4781.33 of the Revised Code. The board of health shall issue a report of inspection to the commission within ten days after the inspection is completed.

Replaces: 3701-27- 07.1

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04, 4781.26

Rule Amplifies: 4781.31, 4781.32

Prior Effective Dates: 11/13/1992

4781-12-07.1 Flood plain management development permits.

(A) No person shall cause development to occur or cause the replacement of a manufactured home that is located within any portion of a manufactured home park that is located within a one hundred year flood plain unless the person first obtains a permit from the commission. If the development for which a permit is required under this paragraph is to occur on a lot where a manufactured home is or is to be located, the owner and the operator shall jointly obtain a permit. Each of the persons to whom a permit is jointly issued is responsible for compliance with the provisions of the approved permit that are applicable to that person. No permit is required under this rule for the construction, erection, or manufacture of any building to which section 3781.06 of the Revised Code applies.

(B) If a manufactured home that is located in a one hundred year flood plain is substantially damaged as defined in paragraph (Z) of rule 4781-12-01 of the Administrative Code, the owner shall make all alterations, repairs, or changes to the manufactured home and the operator shall make all alterations, repairs, changes to the lot on which the manufactured home is located that are necessary to ensure compliance with sections 4781.26 to 4781.35 of the Revised Code and this chapter. Such alterations, repairs, or changes may include, without limitation, removal of the manufactured home or other structures. No person shall cause to be performed any alteration, repair, or change unless the person first obtains a permit from the commission. The owner and the operator shall jointly obtain the permit required by this paragraph. Each of the persons to whom a permit is jointly issued is responsible for compliance with the provisions of the approved permit that are applicable to that person.

(C) An application for a permit shall be accompanied by a check in the amount of the fee determined in accordance with paragraph (D) of this rule. The application shall be made to the commission on a form prescribed by the commission which shall include the following information:

- (1) Identifying information about the applicants including the name and address of the manufactured home park, and the names and addresses of the applicants;
- (2) The lot number of the lot to be developed, altered, repaired, or changed under the permit;
- (3) The person, if known, who will perform the development, alteration, repair, or change;
- (4) A description of the specific type of development, alteration, repair, or change to be performed;
- (5) The technical information relative to elevations, type of fill materials, and methods of anchoring, blocking, elevating, or supporting the manufactured home, the free-standing auxiliary buildings, and any room additions or other accessory structures connected to the manufactured home;
- (6) The method of preventing flotation or lateral movement by flood waters of service facilities such as electrical, heating, and cooling systems; and
- (7) The method of minimizing or eliminating infiltration of flood waters into the water system and sanitary sewerage system and method of minimizing or eliminating discharges from the sanitary sewerage system into flood waters.

(D) The fee for the issuance of a permit under paragraph (A) or (B) of this rule shall be one hundred

twenty dollars, except that when the permit is issued for development, alteration, repair, or change for which a plan review is also required under rule 4781-12-05 of the Administrative Code, the fee shall be a total of fifty dollars for all development reviewed in the plans without reference to the number of lots involved in the development.

(E) Except as provided in paragraph (F) of this rule, a permit issued under paragraph (A) or (B) of this rule shall be valid for one year from the date of issuance of the permit. The commission may grant one extension of ninety days if he finds that the person granted the permit has failed to complete the development, replacement, alteration, repair, or change for reasons beyond his control.

(F) A permit issued for development, alteration, repair, or change for which a plan review is also required under rule 4781-12-05 of the Administrative Code shall be valid for a period of time equal to the time for which approved plans are valid including any extensions granted by the commission under paragraph (D) of rule 4781-12-05 of the Administrative Code.

(G) The commission shall disapprove an application for a permit required under paragraph (A) or (B) of this rule unless the commission finds that the proposed development, replacement, alteration, repair, or change complies with sections 4781.26 to 4781.35 of the Revised Code and this chapter.

(H) The commission may suspend or revoke a permit issued under this rule for failure to comply with the approved permit, sections 4781.25 to 4781.35 of the Revised Code or this chapter.

(I) Any person aggrieved by the disapproval, suspension, or revocation of a permit under this rule by the commission may request a hearing on the matter within thirty days after receipt of the notice of the disapproval, suspension, or revocation. The hearing shall be held in accordance with Chapter 119. of the Revised Code.

Replaces: 3701-27- 07.2

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04, 4781.26

Rule Amplifies: 4781.33, 4781.34

Prior Effective Dates: 11/13/1992, 11/7/05

4781-12-07.2 Flood plain management permit inspections.

(A) By the close of the business day following the completion of development, replacement, alteration, repair, or change for which a permit is required by paragraph (A) or (B) of rule 4781-12-07.2 of the Administrative Code, the person to whom the permit was issued shall notify the commission of the completion. Such notification shall be accomplished in person or by telephone.

(B) Upon receipt of the notification required in paragraph (A) of this rule, the commission shall conduct at least one inspection to determine whether the development, replacement, change, repair, or alteration has been completed in accordance with sections 4781.26 to 4781.35 of the Revised Code, this chapter, and the approved permit. The commission shall conduct the inspection within five business days of such notification.

(C) In order to verify compliance with sections 4781.26 to 4781.35 of the Revised Code, this chapter, and the approved permit, the commission may conduct inspections at any reasonable time and may conduct more than one inspection at any stage of the development, replacement, change, repair, or alteration for which a permit is issued. The commission may also require the operator of the manufactured home park to provide written assurance from a registered engineer that the electrical, water, and sanitary sewerage systems have been completed in accordance with the approved permit.

(D) The fee for the first inspection conducted under paragraph (B) of this rule is included in the fee for the permit. The fee for any subsequent inspection or inspections shall be one hundred dollars per day for any number of inspections conducted within the same manufactured home park.

Replaces: 3701-27- 07.3

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04, 4781.26

Rule Amplifies: 4781.33, 4781.34

Prior Effective Dates: 11/13/1992

4781-12-07.3 Flood plain management elevations; floodway regulations.

(A) In addition to meeting the other requirements of this chapter, new development of a manufactured home park and development of a new lot in an existing manufactured home park located in a one hundred year flood plain shall be filled and graded so that the base support system is elevated to a level which equals the sum of the following:

(1) The one hundred year flood elevation;

(2) Up to a maximum of one foot in allowable rise height which is above the one hundred year flood elevation and is intended to compensate for an increase in flood heights caused by development in the flood plain. Where a flood study specifies a rise height different from that established by the federal emergency management agency, or a local ordinance specifies a different rise height, that height shall be used; and

(3) One foot in freeboard height which is an extra margin of safety added to the one hundred year flood elevation to account for an increase in flood levels due to waves, debris, hydraulic surge, and other unknown factors.

Where flood plain information is not available, it shall be the responsibility of the person requesting a permit for development to provide the hydrologic and hydraulic data from a registered professional engineer necessary for the director or licenser authorized by the director to determine the flood protection elevation and ensure no encroachment upon the regulatory floodway.

(B) Except as provided in paragraph (C) of this rule, before a manufactured home is to be placed or replaced on an existing manufactured home park lot located within a one hundred year flood plain, the home shall be elevated so that the chassis is at or above a height equal to the lesser of the following:

(1) Thirty-six inches above the existing elevation of the manufactured home park lot; or

(2) The one hundred year flood elevation as specified on the federal emergency management agency's flood insurance rate maps or as determined by a registered professional engineer.

(C) A lot in an existing manufactured home park located within a one hundred year flood plain and upon which a manufactured home is substantially damaged as a result of a flood shall be elevated so that the lowest floor of the manufactured home is at or above a height equal to the one hundred year flood elevation as specified on the federal emergency management agency's flood insurance rate maps or as determined by a registered professional engineer.

(D) The operator shall upon the request of the commission provide written verification from a registered professional engineer or registered surveyor that the elevations required under paragraphs (A), (B), and (C) of this rule have been attained.

(E) No person shall cause development within a regulatory floodway unless it has been demonstrated to the commission through hydrologic and hydraulic analysis performed by a registered professional

engineer that the proposed development would not result in any increase in the flood levels during the occurrence of a one hundred year flood.

Replaces: 3701-27- 07.4

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04, 4781.26

Rule Amplifies: 4781.33, 4781.34

Prior Effective Dates: 11/13/1992

4781-12-08 Manufactured home lots.

(A) Each manufactured home lot in a manufactured home park constructed, changed, or added to after December 16, 1951, but prior to January 1, 1961, shall have a land area of not less than twelve hundred fifty square feet.

(B) Each manufactured home lot in a manufactured home park or section thereof, constructed after December 31, 1960, but prior to July 1, 1971, shall have a land area of not less than eighteen hundred square feet; provided, however, corner lots not exceeding ten per cent of the total number of lots, may have a land area of not less than fifteen hundred square feet.

(C) Each manufactured home lot in a manufactured home park or section thereof, constructed or substantially altered after June 30, 1971, shall have a land area of not less than thirty-six hundred square feet.

(D) As of May 8, 1994, each existing manufactured home in a manufactured home park constructed prior to July 1, 1971, is not required to comply with paragraphs (E) to (G) of this rule unless the manufactured home is removed from the lot. A replacement manufactured home must comply with paragraphs (E) to (G) of this rule.

(E) Each manufactured home, in a manufactured home park constructed prior to January 1, 1961, shall be placed upon the lot so as to provide not less than ten feet distance between the sides of any manufactured homes, eight feet distance between the end of any manufactured home and the side of any manufactured home, and five feet distance between manufactured homes placed end to end.

(F) Each manufactured home, in a manufactured home park constructed prior to July 1, 1971, shall be placed upon the lot so as to provide not less than ten feet distance from any building, public roadway, street, alley, and any right-of-way designated for vehicular traffic as specified by the Ohio department of transportation or other local jurisdiction, and not less than five feet distance from roadways and parkways within the manufactured home park, and not less than five feet distance from the manufactured home park property line.

(G) Each manufactured home, in a manufactured home park constructed after December 31, 1960, or substantially altered after June 30, 1971, shall be placed upon the lot so as to provide all of the following with respect to placement of the manufactured home in proximity to other manufactured homes:

(1) A manufactured home that is placed side to side with another manufactured home or placed at an angle of less than ninety degrees shall maintain an average distance between the manufactured homes of at least fifteen feet, but in no event shall be placed at a distance of less than twelve feet at any point.

(2) A manufactured home that is placed side to end with another manufactured home or placed at an angle of ninety degrees or greater, but less than one hundred thirty-five degrees, shall maintain a minimum distance of ten feet from the other manufactured home; and

(3) A manufactured home that is placed end to end with another manufactured home or placed at an

one hundred thirty-five degree or greater angle shall maintain a minimum distance of five feet from the other manufactured home.

For the purpose of this paragraph, angles shall be measured in relation to each manufactured home's side or longest length. Average distance shall be determined by dividing by two the sum of the distance between each of the two corners of one manufactured home to the closest adjacent corner on the other manufactured home.

(H) Each manufactured home in a manufactured home park constructed or substantially altered after June 30, 1971, shall be placed upon the lot so as to provide not less than fifteen feet distance from any building, public roadway, street, alley and any right-of-way designated for vehicular traffic as specified by the Ohio department of transportation or other local jurisdiction, and not less than ten feet distance from roadways and parkways within the manufactured home park, and not less than ten feet distance from the manufactured home park property line.

(I) The operator shall be responsible for defining the manufactured home lot boundaries and requiring the proper placement of the manufactured home upon the lot. The operator shall assure compliance with the minimum spacing requirements of this rule. The operator shall also assure that an existing manufactured home that is not in compliance with the minimum spacing requirements of paragraphs (E) to (G) of this rule pursuant to paragraph (D) of this rule is not expanded, enlarged or otherwise extended in a manner that increases the noncompliance.

(J) In all instances where a manufactured home has been placed on a lot so as to provide less than ten feet distance between the sides of manufactured homes, less than eight feet distance between the end of the manufactured home and the side of any manufactured home, or less than five feet distance between manufactured homes placed end to end, and at all times that this condition exists, the operator shall:

(1) Make conveniently, available, at no charge to the resident, at least one operable dry chemical, multi-purpose "2A 10 BC" rated or equivalent pressure-type fire extinguisher; and

(2) Make conveniently available, at no charge to the resident, a functioning battery-operated single-station smoke detector for each bedroom area if the manufactured home was constructed prior to June 15, 1976.

(K) In computing manufactured home distance requirements, width and length mean the largest overall width and length of the manufactured home including cabinets and other projections which contain interior space, lean-tos, auxiliary rooms, and similar accessories connected to the manufactured home. Width and length dimensions do not include structures which are completely open on two or more sides, roof projections, overhangs, colonnades, or eaves under which there is no interior space, nor do they include drawbars, couplings, or hitches.

(L) Each manufactured home lot and street in a manufactured home park shall be marked so as to be readily identifiable and easily readable from the street. Each manufactured home lot shall be identified by markings in numerals, letters, or a combination thereof, of a size of at least four inches. If an operator renumbers any lot or lots within the park, all renumbering shall be done in sequential order. The park operator shall notify the commission and all safety service agencies at least seven days prior to placing the new numbering system into effect.

(M) The operator of a manufactured home park constructed or substantially altered after June 30, 1971 may apply to the commission for a variance from the provisions of paragraphs (A) to (H) of this rule for any existing manufactured home placed or installed on a manufactured home lot as of May 8, 1994. The commission shall not grant a variance unless:

- (1) The applicant applies in writing to the commission specifically stating the proposed variance from the particular rule provision and certifying that the noncompliance existed as of May 8, 1994;
- (2) The applicant lists all other reasonable alternatives for compliance and demonstrates that the alternatives have been investigated, considered, and determined to be unreasonable;
- (3) The applicant demonstrates that there will be unusual and unnecessary hardship in complying with the rule provision; and
- (4) The proposed variance will not adversely affect the public health and safety nor defeat the spirit and general intent of Chapter 4781-12 of the Administrative Code or sections 4781.26 to 4781.35 of the Revised Code.

The commission shall request and consider recommendations from both the director of the Ohio department of health and the fire authority with jurisdiction before considering the proposed variance. The commission shall conduct a hearing within thirty days after receiving the application for a variance. The commission shall either approve or deny the application. If the application is approved, the commission shall issue a written variance listing the terms and conditions of the variance. The commission shall inspect the manufactured home park every twelve months to certify compliance with the terms and conditions of the variance. The licensor may revoke a variance if the terms or conditions of the variance or the provisions of this rule are not met or are otherwise violated. A variance is immediately void upon removal of the existing manufactured home from the lot or upon attempt to expand, enlarge or otherwise extend a manufactured home in a manner that increases the noncompliance with the minimum spacing requirements of paragraph (G) or (H) of this rule. Any replacement manufactured home on the lot shall comply with paragraphs (G) and (H) of this rule.

Replaces: 3701-27-08

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04, 4781.26

Rule Amplifies: 4781.31

Prior Effective Dates: 7/1/71, 6/1/79, 9/3/83, 5/8/94, 8/19/1996, 2/7/1998, 11/7/98, 11/7/2005

4781-12-08.1 Freestanding auxiliary buildings.

(A) No freestanding auxiliary building shall be placed within five feet of any occupied manufactured home or portion thereof other than the manufactured home occupied by the owner of the freestanding auxiliary building. However, if the manufactured home park was established prior to 1961, then no freestanding auxiliary building shall be placed within four feet of any occupied manufactured home or portion thereof other than the manufactured home occupied by the owner of the freestanding auxiliary building, unless such placement would violate existing local, state, or federal law.

(B) Not more than two freestanding auxiliary buildings shall be placed on any manufactured home lot.

(C) Any freestanding auxiliary building on manufactured home lots within a manufactured home park that is located in a one hundred year flood plain shall be secured at the time of placement with a minimum of two tiedowns, anchors or anchor bolts per side at or near the corners of the freestanding auxiliary building to prevent movement by wind forces, collapse or lateral movement resulting from the flotation by floodwaters. No new or replacement auxiliary building may be placed in a regulatory floodway.

Replaces: 3701-27- 08.1

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04, 4781.26

Rule Amplifies: 4781.31

Prior Effective Dates: 6/7/1979, 9/3/1983, 11/13/1992, 9/29/1996

4781-12-08.2 Tiedowns; supports; blocking.

(A) Every manufactured home placed in a manufactured home park on or after June 1, 1979, shall be secured with tiedowns at the time of placement of the manufactured home upon the lot in accordance with the recommendations of the individual manufactured home manufacturer or in accordance with appendix A to this rule (the 1987 standards of the "American National Standards Institute" for the installation of ground anchors and tiedowns for manufactured homes).

(B) Each manufactured home placed in a manufactured home park on or after September 3, 1983, shall be supported by blocking in accordance with the specifications of the individual manufactured home manufacturer or in accordance with appendix B to this rule (the 1987 standards of the "American National Standards Institute" for load-bearing supports for manufactured homes).

(C) In addition to meeting the requirements of paragraph (B) of this rule, each manufactured home placed after the effective date of this rule on a lot in a manufactured home park that is located in a one hundred year flood plain shall be in accordance with agency 4781 of the Administrative Code. Subject to approval of the commission an alternate design for blocking may be used.

(D) Each manufactured home park lot upon which a manufactured home is to be placed or replaced after the effective date of this rule shall have one of the following base support systems:

(1) A paved pad;

(2) Paved strips;

(3) Concrete piers; or

(4) An alternate base support system approved by the commission which shall be of such design, width, length and so positioned as to furnish a stable base for the manufactured home.

Paving shall be done with concrete having a minimum rating of three thousand pounds per square inch.

Replaces: 3701-27- 08.2

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04, 4781.26

Rule Amplifies: 4781.31

Prior Effective Dates: 7/1/71, 6/1/1979, 9/3/1983, 11/13/1992

4781-12-08.3 Placement notification.

(A) The operator of a manufactured home park licensed under rule 4781-12-04 of the Administrative Code shall submit to the commission a list identifying each lot within the manufactured home park, the make and model of the manufactured home placed on the lot, the freestanding auxiliary buildings, room additions or other structures on the lot, and any other documentation, information, or permanently identifying characteristics of the manufactured home as may be required by the commission.

(B) If any changes are proposed within the manufactured home park which would render the information submitted under paragraph (A) of this rule inaccurate, the operator shall submit to the commission within two business days prior to the proposed change a form prescribed by the commission which contains the following:

- (1) Information regarding the proposed placement or replacement of any manufactured homes. This information shall contain the affected lot numbers and the make and model of the replacement manufactured home;
- (2) Information regarding the proposed placement or replacement of freestanding auxiliary buildings;
- (3) Information regarding the proposed construction of room additions, or other accessory structures to any manufactured home;
- (4) Information regarding the proposed installation of blocking, support, and tiedown systems of any manufactured home or structure reported under paragraphs (B)(1) to (B)(3) of this rule; and
- (5) Information regarding any other permanently identifying characteristics of the manufactured home.

Replaces: 3701-27- 08.3

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04, 4781.26

Rule Amplifies: 4781.31

Prior Effective Dates: 11/13/1992, 6/24/1994

4781-12-09 Streets; walkways; auto parking.

(A) Each manufactured home lot in each manufactured home park constructed on or after December 16, 1951, but prior to January 1, 1961, shall abut on a street which has a clear unobstructed width of not less than twenty feet.

(B) Each manufactured home lot in each manufactured home park or section thereof constructed on or after December 31, 1960, but prior to July 1, 1971 shall abut on a street within the manufactured home park which has a clear unobstructed width of not less than twenty-five feet exclusive of walkway.

(C) Each manufactured home lot in each manufactured home park or section thereof constructed on or after June 30, 1971, shall abut on a paved street within the manufactured home park which is designed and constructed in accordance with the following:

(1) All entrance and exit "two-way" streets shall have a minimum width of thirty-five feet exclusive of any median strip. One-way entrance or exit streets shall have a minimum width of twenty feet;

(2) All collector, minor, or cul-de-sac streets may have a minimum width of twenty feet and parking is not permitted;

(3) The operator may permit parking on both sides of streets having a minimum width of thirty feet;

(4) The operator may permit parking on both sides of streets having a minimum width of twenty-eight feet which have been designated as "one-way";

(5) The operator may permit parking on one side of "two-way" streets having a minimum width of twenty-eight feet;

(6) The operator may permit parking on one side of streets having minimum width of twenty feet which have been designated as "one-way";

(7) All materials and construction methods used in street, walkway, and parking construction, shall comply with the 1991 "Construction and Material Specifications" manual published by the Ohio department of transportation;

(8) If flexible paving is used it shall consist of a minimum of three inches of asphalt concrete placed on top of not less than six inches of properly prepared aggregate base. If rigid pavement is used, it shall consist of a minimum of five inches of plain Portland cement concrete having a minimum rating of three thousand pounds per square inch. Alternate pavements approved by the director having a strength equal to either of the above may be permitted for installation and use. The subgrade in either case shall be well drained, well compacted, and smoothly graded; and

(9) The operator shall provide an area or areas throughout the manufactured home park for visitor parking if the streets having a minimum width of twenty feet are designated as "two-way."

(D) No manufactured home lot constructed on or after January 1, 1961, shall have direct accessway

for vehicles to a public thoroughfare. Those manufactured home lots constructed on or after June 1, 1979, which are adjacent to a public thoroughfare shall be separated from the thoroughfare by either a natural or artificial barrier.

(E) The street system in a manufactured home park shall be directly connected to a public thoroughfare.

(F) Each manufactured home lot in each manufactured home park or section thereof constructed on or after June 30, 1971, shall be provided with paved on-lot parking space for two automobiles. Paving shall be done either in accordance with paragraph (K) of this rule or with a minimum of two inches of asphalt concrete placed on top of not less than six inches of aggregate base.

(G) Each manufactured home lot in each manufactured home park or section thereof constructed on or after June 30, 1971, shall be provided with a walkway paved in accordance with paragraph (J) of this rule and having a minimum width of two feet leading from the manufactured home door to the adjacent street, any main walkway, or parking area.

(H) Except as provided in paragraph (I) of this rule, each manufactured home park or portion thereof constructed after November 13, 1992, shall have a main walkway paved in accordance with paragraph (J) of this rule on at least one side of each of the manufactured home park streets. The walkway shall be parallel to the street and shall be at least three feet in width. This paragraph does not apply to cul-de-sac streets unless the cul-de-sac street is a main entrance or exit street to the manufactured home park.

(I) Notwithstanding paragraph (H) of this rule, a manufactured home park constructed on or after September 6, 1998 may be constructed without a walkway paved in accordance with paragraphs (H) and (J) of this rule, provided that the residential zoning classification in the political subdivision with jurisdiction does not require a paved walkway in all property zoned single family residential. This paragraph also applies to expansion of existing manufactured home parks, except that new walkways are not required if walkways do not currently exist. Any paved walkway either required by this rule, or provided within a manufactured home park, irrespective of whether the walkway is not required by this rule, shall be constructed in accordance with paragraphs (H) and (J) of this rule.

(J) For purposes of paragraphs (F) to (I) of this rule, paving shall be done with a minimum of four inches of plain Portland concrete having a minimum rating of three thousand pounds per square inch.

(K) All manufactured home park streets shall be maintained in a safe, passable condition at all times.

Replaces: 3701-27-09

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04, 4781.26

Rule Amplifies: 4781.31

Prior Effective Dates: 7/1/71, 6/1/79, 9/3/1983, 11/13/1992, 3/21/1998, 9/6/1998, 11/7/2005

4781-12-10 Lighting.

All mobile home park streets shall be lighted at night by not less than three-tenths foot candle of artificial light.

Replaces: 3701-27-10

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04, 4781.26

Rule Amplifies: 4781.31

Prior Effective Dates: 7/1/71, 6/1/1979

4781-12-11 Water systems.

(A) The operator of a manufactured home park shall ensure that the water system is maintained in a safe and sanitary manner so as not to create a hazard to the health of the manufactured home park occupants.

(B) The water supply for a manufactured home park shall be:

(1) For portions of the park developed after the effective date of this rule:

(a) 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; or

(b) From a private water system which meets the requirements of Chapter 3701-28 of the Administrative Code if the manufactured home park has fifteen or fewer lots and serves twenty-five or fewer people.

(2) For portions of a manufactured home park developed on or before the effective date of this rule:

(a) From a public water system approved by the Ohio environmental protection agency; or

(b) From a private water system which meets the requirements of Chapter 3701-28 of the Administrative Code.

(C) Water service pipes connected to a manufactured home shall be protected against freezing and shall meet one of the following requirements:

(1) Water service pipes located on a manufactured home park lot developed prior to June 1, 1979 shall be not less than one-half inch in diameter;

(2) Water service pipes located on a manufactured home park lot developed on or after June 1, 1979 shall be not less than three-quarters inch in diameter. Any new or replacement water service pipes shall have a shut-off valve installed at or near the water main.

(D) Any new or replacement water system installed in a manufactured home park located in a one hundred year flood plain after the effective date of this rule shall be designed to minimize or eliminate infiltration of flood waters into the system.

Replaces: 3701-27-12

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04, 4781.26

Rule Amplifies: 4781.31

Prior Effective Dates: 7/1/71, 6/1/1979, 11/13/1992

4781-12-12 Storm water systems.

(A) Any person proposing development of a new manufactured home park or to any portion of an existing manufactured home park shall insure that a storm water management system is provided to carry anticipated storm water discharges from the manufactured home park site. The storm water management system shall be adequate to carry anticipated storm water discharges equal in depth and velocity to those which would occur during a ten-year frequency storm which is the storm having a ten per cent chance of occurring in any given year.

(B) Storm water management systems shall be designed and constructed in accordance with the 1992 "Manual of Location and Design, volume 2, Drainage Design," published by the Ohio department of transportation.

(C) The manufactured home park operator shall ensure that all storm water facilities, including but not limited to culverts, catch basins, and pipes, are maintained in a clean and free-flowing condition.

Replaces: 3701-27-13

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04, 4781.26

Rule Amplifies: 4781.31

Prior Effective Dates: 11/13/1992

4781-12-13 Location of lines.

(A) Water supply lines or water service pipes shall not be laid in the same trench with a sanitary sewer line. Water and sewer lines shall have a minimum horizontal ten-foot separation. Where necessary to cross, the water supply line or water service pipe shall be laid not less than eighteen inches above the top of the sanitary sewer line.

(B) Water supply and sanitary sewer lines, other than individual water service pipes and sewer connectors, installed after the effective date of this rule shall be located so that they do not pass directly under any manufactured home.

Replaces: 3701-27-14

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04, 4781.26

Rule Amplifies: 4781.31

Prior Effective Dates: 7/1/71, 6/1/1979, 11/13/1992

4781-12-14 Park service building.

(A) Each mobile home park in which mobile homes not provided with toilet, lavatory and bath plumbing fixtures are accommodated shall be provided with a park service building or buildings for the exclusive use of the occupants and employees of the mobile home park.

(B) The park service building or buildings shall have a separate toilet room for each sex with at least one toilet, one lavatory, and one bath fixture in each room. Each such room shall be clearly marked for "Men" and for "Women."

(C) The park service building shall be adequately lighted and properly maintained at all times.

(D) No mobile home park shall have any mobile home not provided with toilet, lavatory and bath plumbing fixtures located more than two hundred feet from the park service building or buildings.

Replaces: 3701-27-15

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04, 4781.26

Rule Amplifies: 4781.31

Prior Effective Dates: 7/1/71, 6/1/1979

4781-12-15 Number of plumbing fixtures.

A park service building or buildings required by rule 4781-12-15 of the Administrative Code, shall have one toilet, one lavatory, and one bath fixture for each sex for each fifteen mobile homes or fraction thereof not provided with complete plumbing fixtures. Water-flushed urinals may be substituted for not more than twenty-five per cent of the required toilets in such park service buildings.

Replaces: 3701-27-16

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04, 4781.26

Rule Amplifies: 4781.31

Prior Effective Dates: 7/1/71, 6/1/1979

4781-12-16 Sewage.

(A) All sewage and waste water from toilets, showers, bathtubs, slop sinks, lavatories, kitchen sinks, laundries, floor drains, and similar plumbing fixtures from manufactured homes and manufactured home parks shall be discharged into a sanitary sewerage system. There shall be no separate discharge from the sanitary sewerage system which could cause the discharge of any untreated sewage or other wastes into the waters of the state as defined in section 6111.01 of the Revised Code.

(B) Each manufactured home lot shall be provided with a four inch lateral sanitary sewer which shall be effectively trapped and protected from freezing. The lateral sanitary sewer shall extend vertically to the surface of the ground and shall be properly protected to prevent breakage and the entrance of surface water into the sanitary sewerage system.

(C) The sanitary sewerage system shall be maintained in a safe and sanitary manner so as not to create a hazard to the health of the manufactured home park occupants.

(D) Any new and replacement sanitary sewerage systems installed after the effective date of this rule shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. On-site sanitary sewerage disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(E) All manufactured home park sanitary sewerage systems shall be approved by the Ohio environmental protection agency.

Replaces: 3701-27-18

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04, 4781.26

Rule Amplifies: 4781.31

Prior Effective Dates: 7/1/71, 6/1/1979, 11/13/1992

4781-12-17 Manufactured home connections.

Each outlet from a manufactured home drainage system shall be directly connected to the lateral sanitary sewer with a sewer connector or other approved device. It shall be the responsibility of the operator to ensure that the installation of the sewer connection is performed and supervised by a properly licensed installer. There shall be no discharge of sewage onto the surface of the ground nor shall there be any noticeable sewage odors in the mobile home park.

Replaces: 3701-27-19

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04, 4781.26

Rule Amplifies: 4781.31

Prior Effective Dates: 7/1/71, 6/1/1979

4781-12-18 Solid waste, collection and storage.

(A) No solid wastes shall be permitted to accumulate in manufactured home parks except in containers as hereinafter described.

(B) Rust-resistant, watertight, non-absorbent, and easily washable containers covered with close-fitting lids shall be provided in convenient locations at manufactured home parks and shall be in sufficient numbers to contain all solid wastes accumulated between collections. All containers shall be washed and treated with a disinfectant as often as necessary to prevent nuisance.

(C) All solid wastes shall be collected from manufactured home parks at least once each week.

Replaces: 3701-27-20

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04, 4781.26

Rule Amplifies: 4781.31

Prior Effective Dates: 7/1/71, 6/1/1979

4781-12-19 Electrical systems.

(A) Electrical systems in manufactured home parks shall be installed and maintained in accordance with the "National Electrical Code - 2008 Handbook, Article 550 -Mobile Homes and Mobile Home Parks," or "N.E.C.," published by the national fire protection association and the approved plans. Electrical systems shall include all electrical wiring and connections from the manufactured home to the electrical distribution system installed by the power company. The park operator shall maintain all electrical systems in accordance with the N.E.C.

(B) Any new or replacement electrical systems installed after November 13, 1992, in manufactured home parks located within a one hundred year flood plain shall be located and designed so as to prevent water from entering or accumulating within the components during conditions of flooding.

(C) The park operator shall, upon request of the commission, present acceptable written evidence from an electrical safety inspector certified by the board of building standards, Ohio department of commerce, and that the electrical system is in compliance with the provisions of this rule.

Replaces: 3701-27-24

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04, 4781.26

Rule Amplifies: 4781.31

Prior Effective Dates: 7/1/71, 6/1/1979, 11/13/1992, 1/16/1999

4781-12-20 Fire protection.

Fire protection activities and firefighting equipment shall be in compliance with the rule and regulations of the local or state fire prevention authority.

Replaces: 3701-27-25

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04, 4781.26

Rule Amplifies: 4781.31

Prior Effective Dates: 7/1/71, 6/1/1979

4781-12-21 Recreation area and facilities.

(A) Each manufactured home park constructed after June 30, 1971, shall set aside and provide suitable recreational space which residents can use for recreational purposes consisting of not less than five per cent of the gross manufactured home park area.

(B) When provided, recreational facilities such as playgrounds, swimming pools, tennis courts, basketball courts and community buildings shall meet all applicable state and local laws and regulations and shall be appropriate for the intended use. Such facilities shall be properly operated and maintained.

(C) Boats and recreation vehicles shall not be stored on the individual manufactured home lot. Each manufactured home park operator may designate an area for parking boats and recreation vehicles which may be considered as not more than twenty-five per cent of the required recreation area.

Replaces: 3701-27-26

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04, 4781.26

Rule Amplifies: 4781.31

Prior Effective Dates: 7/1/71, 6/1/1979, 11/7/2005

4781-12-22 Maintenance.

(A) All manufactured home park buildings, lots, streets, walkways, and other facilities shall be maintained in a condition satisfactory to the commission at all times.

(B) Domestic animals or house pets shall not be allowed to run at large or create nuisances in manufactured home parks.

(C) Insects.

(1) When flies and other insects are present, all windows, doors and other openings to the outside of manufactured home park buildings shall be screened or other effective means provided to prevent the entrance of insects.

(2) The manufactured home park shall be kept reasonably free of flies and mosquitoes at all times.

(D) Whenever conditions in the manufactured home park provide harboring for pests, the presence of which may adversely affect the health or safety of the residents, the operator shall immediately remove such conditions in a manner satisfactory to the commission.

Replaces: 3701-27-27

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04, 4781.26

Rule Amplifies: 4781.31

Prior Effective Dates: 7/1/71, 6/1/1979, 11/7/2005

4781-12-23 Rules.

(A) The park operator shall establish rules governing the operation and maintenance of the manufactured home park. Such rules, or any changes thereto, shall be conspicuously posted and provided to each occupant as they initially enter the manufactured home park.

(B) If the park operator amends the rules, he/she shall provide a copy of any such amendment to each resident in the manufactured home park by either personally delivering a copy or by sending a copy by first class mail to each home. The rules shall also be conspicuously posted in the park. Any new rules shall be effective thirty days after they have been provided to all residents pursuant to this rule.

(C) If the park operator fails to provide a copy of the rules or any amendment to any resident as prescribed in paragraph (A) or (B) of this rule, such rule may not be enforced against the resident.

Replaces: 3701-27-28

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04, 4781.26

Rule Amplifies: 4781.31

Prior Effective Dates: 7/1/71, 6/1/1979

4781-12-24 On duty.

The operator or a person authorized by the operator to represent him shall be available. An emergency contact number must be posted in the manufactured home park with the rules of the manufactured home park.

Replaces: 3701-27-29

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04, 4781.26

Rule Amplifies: 4781.31

Prior Effective Dates: 6/1/1979, 11/7/2005

4781-12-25 Records.

The operator shall keep records and make reports as required by the commission consistent with the Revised Code and Chapter 4781-12 of the Administrative Code.

Replaces: 3701-27-30

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04, 4781.26

Rule Amplifies: 4781.31

Prior Effective Dates: 7/1/71, 6/1/1979, 11/7/2005

4781-12-26 Maintenance of records.

The commission shall develop a policy regarding the maintenance of records for any inspection authorized or conducted pursuant to Chapter 4781. of the Revised Code, and such records shall be public records pursuant to section 149.43 of the Revised Code.

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04, 4781.26

Rule Amplifies: 4781.31, 4781.32, 4781.33

4781-12-27 Contracts for commission's annual inspections.

The commission may enter into contracts for the purpose of fulfilling the commission's annual inspection responsibilities for manufactured home parks. Board of health of city or general health districts shall have the right of first refusal for such contracts.

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04, 4781.26

Rule Amplifies: 4781.26

4781-12-28 Manufactured home parks; resident's remedies; retaliation prohibited.

(A) Subject to section 4781.37 of the Revised Code, a park operator shall not retaliate against a resident by increasing the resident's rent, decreasing services that are due to the resident, refusing to renew or threatening to refuse to renew the rental agreement with the resident, or bringing or threatening to bring an action for possession of the resident's premises because:

(1) The resident has complained to an appropriate governmental agency of a violation of a building, housing, health, or safety code that is applicable to the premises, and the violation materially affects health and safety;

(2) The resident has complained to the park operator of any violation of section 4781.38 of the Revised Code; or

(3) The resident joined with other residents for the purpose of negotiating or dealing collectively with the park operator on any of the terms and conditions of a rental agreement.

(B) If a park operator acts in violation of paragraph (A) of this rule, the resident may:

(1) Use the retaliatory action of the park operator as a defense to an action by the park operator to recover possession of the premises;

(2) Recover possession of the premises; or

(3) Terminate the rental agreement.

In addition, the resident may recover from the park operator any actual damages together with reasonable attorney's fees.

(C) Nothing in paragraph (A) of this rule prohibits a park operator from increasing the rent to reflect the cost of improvements installed by the park operator in or about the premises or to reflect an increase in other costs of operation of the premises.

(D) In the event that a court of competent jurisdiction determines that a park operator has violated division (A) of section 4781.36 of the Revised Code, the commission shall consider such violation a violation of this rule and may take action pursuant to section 4781.121 of the Revised Code.

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.36

4781-12-29 Rental agreements; disclosures; rules; prohibited conditions.

(A) The park operator shall offer each home owner a written rental agreement for a manufactured home park lot for a term of one year or more that contains terms essentially the same as any alternative month-to-month rental agreement offered to current and prospective tenants and owners. The park operator shall offer the minimum one-year rental agreement to the owner prior to installation of the home in the manufactured home park or, if the home is in the man-ufactured home park, prior to the expiration of the owner's existing rental agreement.

The park operator shall deliver the offer to the owner by certified mail, return receipt requested, or in person. If the park operator delivers the offer to the owner in person, the owner shall complete a return showing receipt of the offer. If the owner does not accept the offer, the park operator is discharged from any obligation to make any further such offers. If the owner accepts the offer, the park operator shall, at the expiration of each successive rental agreement, offer the owner another rental agreement, for a term that is mutually agreed upon, and that contains terms essentially the same as the alternative month-to-month agreement. The park operator shall deliver subsequent rental offers by ordinary mail or personal delivery. If the park operator sells the manufactured home park to another manufactured home park operator, the purchaser is bound by the rental agreements entered into by the purchaser's predecessor.

(B) If the park operator sells the manufactured home park for a use other than as a manufactured home park, the park operator shall give each tenant and owner a written notification by certified mail, return receipt requested, or by handing it to the tenant or owner in person. If the park operator delivers the notification in person, the recipient shall complete a return showing receipt of the notification. This notification shall contain notice of the sale of the manufactured home park, and notice of the date by which the tenant or owner shall vacate. The date by which the tenant shall vacate shall be at least one hundred twenty days after receipt of the written notification, and the date by which the owner shall vacate shall be at least one hundred eighty days after receipt of the written notification.

(C) A park operator shall fully disclose in writing all fees, charges, assessments, including rental fees, and rules prior to a tenant or owner executing a rental agreement and assuming occupancy in the manufactured home park. No fees, charges, assessments, or rental fees so disclosed may be increased nor rules changed by a park operator without specifying the date of implementation of the changed fees, charges, assessments, rental fees, or rules, which date shall be not less than thirty days after written notice of the change and its effective date to all tenants or owners in the manufactured home park, and no fee, charge, assessment, or rental fee shall be increased during the term of any tenant's or owner's rental agreement. Failure on the part of the park operator to fully disclose all fees, charges, or assessments shall prevent the park operator from collecting the undisclosed fees, charges, or assessments. If a tenant or owner refuses to pay any undisclosed fees, charges, or assessments, the refusal shall not be used by the park operator as a cause for eviction in any court.

(D) A park operator shall promulgate rules governing the rental or occupancy of a lot in the manufactured home park. The rules shall not be unreasonable, arbitrary, or capricious. A copy of the rules and any amendments to them shall be delivered by the park operator to the tenant or owner prior to signing the rental agreement. A copy of the rules and any amendments to them shall be

posted in a conspicuous place upon the manufactured home park grounds.

(E) No park operator shall require an owner to purchase from the park operator any personal property. The park operator may determine by rule the style or quality of skirting, equipment for tying down homes, manufactured or mobile home accessories, or other equipment to be purchased by an owner from a vendor of the owner's choosing, provided that the equipment is readily available to the owner. Any such equipment shall be installed in accordance with the manufactured home park rules.

(F) No park operator shall charge any owner who chooses to install an electric or gas appliance in a home an additional fee solely on the basis of the installation, unless the installation is performed by the park operator at the request of the owner, nor shall the park operator restrict the installation, service, or maintenance of the appliance, restrict the ingress or egress of repairpersons to the manufactured home park for the purpose of installation, service, or maintenance of the appliance, nor restrict the making of any interior improvement in a home, if the installation or improvement is in compliance with applicable building codes and other provisions of law and if adequate utility services are available for the installation or improvement.

(G) No park operator shall require a tenant to lease or an owner to purchase a manufactured or mobile home from the park operator or any specific person as a condition of or prerequisite to entering into a rental agreement.

(H) No park operator shall require an owner to use the services of the park operator or any other specific person for installation of the manufactured or mobile home on the residential premises or for the performance of any service.

(I) No park operator shall:

(1) Deny any owner the right to sell the owner's manufactured home within the manufactured home park if the owner gives the park operator ten days' notice of the intention to sell the home;

(2) Require the owner to remove the home from the manufactured home park solely on the basis of the sale of the home;

(3) Unreasonably refuse to enter into a rental agreement with a purchaser of a home located within the operator's manufactured home park;

(4) Charge any tenant or owner any fee, charge, or assessment, including a rental fee, that is not set forth in the rental agreement or, if the rental agreement is oral, is not set forth in a written disclosure given to the tenant or owner prior to the tenant or owner entering into a rental agreement; or

(5) Charge any owner any fee, charge, or assessment because of the transfer of ownership of a home or because a home is moved out of or into the manufactured home park, except a charge for the actual costs and expenses that are incurred by the park operator in moving the home out of or into the manufactured home park, or in installing the home in the manufactured home park and that have not been reimbursed by another tenant or owner.

(J) If the park operator violates any provision of paragraphs (A) to (H) of this rule, the tenant or owner may recover actual damages resulting from the violation, and, if the tenant or owner obtains a

judgment, reasonable attorneys' fees, or terminate the rental agreement.

(K) No rental agreement shall require a tenant or owner to sell, lease, or sublet the tenant's or owner's interest in the rental agreement or the manufactured or mobile home that is or will be located on the lot that is the subject of the rental agreement to any specific person or through any specific person as the person's agent.

(L) No park operator shall enter into a rental agreement with the owner of a manufactured or mobile home for the use of residential premises, if the rental agreement requires the owner of the home, as a condition to the owner's renting, occupying, or remaining on the residential premises, to pay the park operator or any other person specified in the rental agreement a fee or any sum of money based on the sale of the home, unless the owner of the home uses the park operator or other person as the owner's agent in the sale of the home.

(M) A park operator and a tenant or owner may include in a rental agreement any terms and conditions, including any term relating to rent, the duration of an agreement, and any other provisions governing the rights and obligations of the parties that are not inconsistent with or prohibited by sections 4781.36 to 4781.52 of the Revised Code or any other rule of law.

(N) Notwithstanding any other provision of the Revised Code, the owner of a manufactured or mobile home may utilize the services of a manufactured housing dealer or broker licensed under Chapter 4781. of the Revised Code or a person properly licensed under Chapter 4735. of the Revised Code to sell or lease the home.

(O) In the event that a court of competent jurisdiction determines that a park operator has violated any of the divisions of section 4781.40 of the Revised Code, the commission shall consider such violation of this rule and may take action pursuant to section 4781.121 of the Revised Code.

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.38

4781-12-30 Resident's duties.

(A) A resident who is a party to a rental agreement shall:

- (1) Keep that part of the premises that the resident occupies and uses safe and sanitary;
- (2) Dispose of all rubbish, garbage, and other waste in a clean, safe, and sanitary manner;
- (3) Comply with the requirements imposed on residents by all applicable state and local housing, health, and safety codes, rules of the commission, and rules of the manufactured home park;
- (4) Personally refrain, and forbid any other person who is on the premises with the resident's permission, from intentionally or negligently destroying, defacing, damaging, or removing any fixture, appliance, or other part of the residential premises; and
- (5) Conduct self and require other persons on the premises with the resident's consent to conduct themselves in a manner that will not disturb the resident's neighbor's peaceful enjoyment of the manufactured home park.

(B) The resident shall not unreasonably withhold consent for the park operator to enter the home to inspect utility connections, or enter onto the premises in order to inspect the premises, make ordinary, necessary, or agreed repairs, decorations, alterations, or improvements, deliver parcels which are too large for the resident's mail facilities, or supply necessary or agreed services.

(C) If the resident violates any provision of this section, the park operator may recover any actual damages which result from the violation and reasonable attorney's fees. This remedy is in addition to any right of the park operator to terminate the rental agreement, to maintain an action for the possession of the premises, or injunctive relief to compel access under paragraph (B) of this rule.

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.39

4781-12-31 Intimidation prohibited.

(A) No park operator of residential premises shall initiate any act, including termination of utilities or services, exclusion from the premises, or threat of any unlawful act, against a resident, or a resident whose right to possession has terminated, for the purpose of recovering possession of residential premises, other than as provided in Chapters 1923., 4781., and 5303. of the Revised Code.

(B) No park operator of residential premises shall seize the furnishings or possessions of a resident, or of a resident whose right to possession was terminated, for the purpose of recovering rent payments, other than in accordance with an order issued by a court of competent jurisdiction.

(C) A park operator who violates this section is liable in a civil action for all damages caused to a resident, or to a resident whose right to possession has terminated, together with reasonable attorney's fees.

(D) A park operator who violates this section is liable in a civil action for all damages caused to a resident, or to a resident whose right to possession has terminated, together with reasonable attorney's fees.

(E) In the event that a court of competent jurisdiction determines that a park operator has violated any of the divisions of section 4781.49 of the Revised Code, the commission shall consider such violation a violation of this rule and may take action pursuant to section 4781.121 of the Revised Code.

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.49

4781-12-32 Security deposit limitations.

(A) Any security deposit in excess of fifty dollars or one month's periodic rent, whichever is greater, shall bear interest on the excess at the rate of five per cent per annum if the resident remains in possession of the premises for six months or more, and shall be computed and paid annually by the park operator to the resident.

(B) Upon termination of the rental agreement any property or money held by the park operator as a security deposit may be applied to the payment of past due rent and to the payment of the amount of damages that the park operator has suffered by reason of the resident's noncompliance with section 4781.39 of the Revised Code or the rental agreement. Any deduction from the security deposit shall be itemized and identified by the park operator in a written notice delivered to the resident together with the amount due, within thirty days after termination of the rental agreement and delivery of possession. The resident shall provide the park operator in writing with a forwarding address or new address to which the written notice and amount due from the park operator may be sent. If the resident fails to provide the park operator with the forwarding or new address as required, the resident shall not be entitled to damages or attorneys fees under paragraph (C) of this rule.

(C) If the park operator fails to comply with paragraph (B) of this rule, the resident may recover the property and money due him, together with damages in an amount equal to the amount wrongfully withheld, and reasonable attorney's fees.

(D) In the event that a court of competent jurisdiction determines that a park operator has violated any of the divisions of section 4781.39 of the Revised Code, the commission shall consider such violation a violation of this rule, and may take action pursuant to section 4781.121 of the Revised Code.

Effective: 12/01/2012

R.C. 119.032 review dates: 12/01/2017

Promulgated Under: 119.03

Statutory Authority: 4781.04

Rule Amplifies: 4781.39