

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio Manufactured Homes Commission

Regulation/Package Title: Phase 1 No Changes

Rule Number(s): 4781-6-01, 4781-8-02, 4781-8-05, 4781-8-06, 4781-8-07, 4781-8-09, 4781-8-10, 4781-8-11, 4781-9-04, 4781-11-09, 4781-11-10, 4781-11-11, 4781-11-18

Date: 5-11-16

Rule Type:

- New
 Amended

- 5-Year Review
 Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

Regulatory Intent

1. Please briefly describe the draft regulation in plain language.

Please include the key provisions of the regulation as well as any proposed amendments.

This regulation includes the statute authority to license and regulate manufactured home installers, inspectors, dealers, and brokers. This regulation also includes adjudication hearings, and record retention for the Commission.

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

R.C. 4781.04

3. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?

If yes, please briefly explain the source and substance of the federal requirement.

NO

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

N/A

5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?

Regulation is required to keep standards for manufactured home installation, inspection, and dealers consistent with federal and industry standards for the safety of manufactured home residents.

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

Success will be measured through inspections completed by certified inspectors verifying all standards are being followed.

Development of the Regulation

7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.

If applicable, please include the date and medium by which the stakeholders were initially contacted.

The stakeholders contacted were the Ohio Manufactured Homes Association, as well as all licensed manufactured home installers, inspectors, dealers/brokers, health departments inspecting parks, and certified building departments. They were contacted on 1-4-16 by a mailer sent via email with notice of the proposed no change rules.

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

No input was provided by stakeholders.

9. **What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?**

N/A

10. **What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?**

Alternative regulations are not available in the manufactured homes industry. Our laws and rules mirror the standards set forth and mandated by the Federal Government.

11. **Did the Agency specifically consider a performance-based regulation? Please explain. *Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.***

Upon the creation of these rules no performance-based regulation was considered by our agency as federal guidelines required that the process to achieve compliance must be dictated.

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

Upon the creation of these rules our agency consulted with the Board of Building Standards and the Ohio Department of Health.

13. **Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.**

There will not be any new implementation of the regulations proposed in this packet as they are all no change rules in which are already in effect.

Adverse Impact to Business

14. **Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:**

- a. **Identify the scope of the impacted business community;**
Manufactured Home Installers, Inspectors, Building Departments, Health Departments, Dealers and Brokers.
- b. **Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and**
License fees, as well as fines and time for continuing education classes.
- c. **Quantify the expected adverse impact from the regulation.**

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The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a “representative business.” Please include the source for your information/estimated impact.

Adverse impact of license fees for those licensees impacted by the proposed regulation are based off of the Commissions current license rates:
Manufactured Home Installers license fee is \$250 every 2 years to the date of license.
Manufactured Home Inspectors License fee is \$50 every 3 years.
Manufactured Home Dealers/Brokers license fee is \$250 every 2 years (on an odd year renewal schedule).
Building and Health Departments do not pay fees to be licensed so they do not experience an adverse impact.

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

The Commission is charged with the duty of enforcing the safe and correct installation and inspection of a manufactured home. The fees associated with the license for these areas are to cover administrative, processing, and current industry methods necessary to ensure the safety of Ohio manufactured home residents.

Regulatory Flexibility

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

There are no alternative means of compliance for small business as the process for licensing and approving manufactured home installers, inspectors, and dealer/brokers has not changed.

17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

The waiver of fines and penalties for paperwork violations and first-time offenders is in effect at the Commission with current licensees and will remain so.

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

The Commission website, Commission newsletter, Commission staff, bi-monthly public meetings, and continuing education requirements.