

Ohio Manufactured Homes Commission
February 19, 2014
10:00 AM
5100 Parkcenter Avenue, Suite 103
Dublin, Ohio 43017

Members Present

Dan Rolfes, Chair
Ron Younkin, Vice Chair
Evan J. Atkinson
Tim Apel
Jim Demitrus
Emory Helmuth
Regina Hanshaw

Commission Staff

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

Legal Counsel

Allan Showalter, AAG

Members Absent

None

Guests

Andrea Reichman, OMHA
Warren Connolly, OCIB
Rick Binder, Binder Inspection Agency
Rodney Hemming, Elsea Inc
Elizabeth Birch, OMHA
Russ McPherson, AMHRO
Frank Pojman, AMHRO

Call to Order

The meeting was called to order at 10:10 AM by Chair, Dan Rolfes.

Roll Call:

All Commissioners were present with the exception of Ron Younkin. Mr. Younkin arrived at 11:00am.

Vote for Chair and Vice-Chair for 2014:

Dan Rolfes stated with this being the first meeting of the new year, it was time to elect new Chair and Vice-Chair for the Commission.

Action: A motion was made by Dan Rolfes to nominate Evan Atkinson for Vice Chair. Jim Demitrus seconded the motion. The motion passed unanimously.

Action: A motion was made by Evan Atkinson to nominate Dan Rolfes for Chair. Emory Helmuth seconded the motion. The motion passed unanimously.

Effective immediately, Dan Rolfes is the Chair and Evan Atkinson is the Vice Chair for 2014.

Approval of the Minutes:

Evan Atkinson wanted to confirm that the December 18, 2013 meeting minutes did reflect the discussion in regards to the local authority having jurisdiction to set frost depth is in fact the OMHC. Janet Williams confirmed that was in the meeting minutes.

Action: A motion was made by Evan Atkinson to approve the minutes from the December 18, 2013 meeting. The motion was seconded by Jim Demitrus. The motion passed unanimously.

Public Comment:

Frank Pojman asked to introduce himself. He is the newly elected President of AMHRO. He has filled the vacant seat left open by the passing of Bill Geniella. Mr. Pojman is a resident of Columbia Park located in Olmstead Township, Ohio. He was previously serving as Vice President of AMHRO and is looking forward to the challenges of his new position and carrying on the legacy left by Mr. Geniella. He is looking forward to working with the OMHC and helping the residents who reside in manufactured home communities throughout Ohio. Dan Rolfes congratulated him and states he has mighty big shoes to fill to which Mr. Pojman agreed.

Janet Williams also wanted to add that Bill Geniella was a great guy and you wouldn't find a person more passionate about the manufactured homes and helping the residents in this industry. Bill was always smiling and pleasant and will be greatly missed by all those lives he touched.

Executive Director's Report:

Executive Director, Janet Williams presented a list of seven (7) applicants for salesperson licenses that met the requirements for a salesperson's license.

Action: A motion was made by Jim Demitrus and seconded by Emory Helmuth to approve the seven (7) applicants, listed on the ratification list. The motion passed unanimously.

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

Action: A motion was made by Jim Demitrus and seconded by Emory Helmuth to approve the one (1) applicant for an inspector's license, listed on the ratification list. The motion passed unanimously.

Executive Director, Janet Williams presented a list of one (1) application for dealer licenses that met the requirements for a dealer's license. Evan Atkinson's asked if the dealer's were still being physically inspected. Janet Williams confirmed that dealer locations were being inspected. If the inspection had not been done at the time of ratification a note would be made on the ratification list notifying all that approval would be made pending passing of inspection once that can be completed.

Action: A motion was made by Jim Demitrus and seconded by Regina Hanshaw to approve the one (1) application as dealers listed on the ratification list. The motion passed unanimously.

DAS Interviews:

Dan Rolfes stated that a serious matter has come to his attention. Janet Williams delivered a copy of the findings to each board member from a recent DAS investigation that was launched due to allegations made by a former employee, Julie West. Dan Rolfes explained the three allegations that were made by Julie West were as follows: Improper hiring of Angel Legge, Illegally ordering a background check on a former employee and personal information being located on the shared file in the staff office of OMHC. Mr. Rolfes

went on to explain that the investigation proved that all three allegations were unsubstantiated and Ms. Williams has been cleared of all three charges. However, during the interview process of staff members further allegations against Janet Williams, the Commissioners and staff of the OMHC. These allegations have been forwarded to the State of Ohio Investigator General's (IG) office for further investigation. Mr. Rolfes was contacted by the IG's office to discuss these allegations and the pending investigation. The IG's office felt that they did not have the knowledge to investigate some of the allegations due to limited knowledge of the industry and procedures and asked that Mr. Rolfes launch an internal investigation to determine the validity of Mr. Rose's allegations.

Dan Rolfes explained to the board members that the bulletins listed on the first page are the allegations made by Jared Rose that would be handled internally. The first allegation was that the OMHC claims to inspect 100% of the homes and contracts with third party agencies to perform these inspections. Dan Rolfes asked Mr. Rose to clarify what that allegation meant. Mr. Rolfes agrees that the OMHC claims to inspect 100% of the homes installed and questioned Mr. Rose if he was stating that this claim was false. Mr. Rolfes expressed to Mr. Rose that he has never instructed Mr. Rose to not perform an inspection on a home installation and wanted to verify if any other board or staff member of the OMHC has ever instructed Mr. Rose to not inspect a home installation. Mr. Rose stated "No". Dan Rolfes asked Mr. Rose to then clarify what that allegation meant. Mr. Rose stated that he was not aware of what the board members were looking at so he felt that he could not answer that question. Janet Williams provided Mr. Rose a copy of the DAS findings and additional allegations made by him that was handed to the board members. Mr. Rose read the allegation and stated that he did not know what it meant and that Mr. Rose agrees that the OMHC performs 100% of the inspections on home installations. Regina Hanshaw asked if there was something missing from the first page because it appeared something was removed. Mr. Rolfes confirmed there were other allegations that were being investigated by someone else that he could not speak of.

Mr. Rose then proceeded to speak of the second allegation listed which was that Mr. Rose performed 10 audits on homes that were inspected and passed and he stated that these homes should have never passed final inspection and that they are in fact uninhabitable and the OMHC was doing nothing about these audits. Mr. Rose stated that he doesn't recall saying that all 10 homes should not be inhabited but that there were indeed life safety issues with these homes. Dan Rolfes stated that he was not aware of any audits being performed by Mr. Rose or any homes that were passed that Mr. Rose felt were uninhabited. Dan Rolfes asked Mr. Rose if he had brought these audits to the attention of any board members. Mr. Rose said no he had not because he was always told if it wasn't on the agenda he could not talk about it. Mr. Rose proceeds to state that he was not able to reach the board members outside of the meetings because he did not have the phone numbers. Dan Rolfes asked Mr. Rose if he presented these audits to Janet Williams, Executive Director. Mr. Rose states that yes he did. Ms. Williams stated that she has only seen two which were back in August and all the problems highlighted by Mr. Rose were not life safety issues. Mr. Rose stated that he showed Ms. Williams the other audits by displaying them on his laptop and Ms. Williams stating the only time she was shown the other pictures was at a Continuing Education class in October during which Mr. Rose was showing the entire group the pictures at the same time. Mr. Rose also stated that he notified Ms. Williams of the audits during a staff meeting in which Janet Williams, Mr. Rose, Gary Whitaker and Angel Legge were present. Mr. Rose stated that at that time, he was told the parks were more important. Angel Legge stated to Mr. Rose that was not what was said. What was said was that the meeting was about setting the procedures for how park inspections and park complaints were to be handled and we needed to finalize those two items.

Mr. Rolfes asked Mr. Rose what he has done in regards to these audits as far as notifying the installer or inspector. Mr. Rose stated that he sent a letter to the inspector along with the pictures notifying the inspector of the items that failed the audit and the need to have them corrected. Mr. Rolfes asked Mr. Rose if he followed up on these letters and Mr. Rose stated that he was told by the inspector verbally that the corrections have been made.

Mr. Rose stated he was angry during the interview with DAS. Mr. Rose also stated that he may have gotten a little loose lipped in the interview and that the investigator asked him prying questions.

Evan Atkinson stated that when Jared Rose and Gary Whitaker came on board with the Commission it was right at the time when the Commission was assuming the duties of licensing and regulating the over 1600 communities in the State of Ohio so more than likely some areas were put on the back burner until the staff could get through the transition. The staff took on the jobs of over 127 health districts and their employees. At this time, he sees that the staff is getting a grip on the projections and moving in the right direction. Mr. Atkinson also informed Mr. Rose that before his arrival, the staff used to bring inspectors and installers in on an annual basis for an informative discussion on what they are seeing out in the field and what is working and what is not. Maybe these audits can be a teaching tool for the inspectors and installers and the staff and start having informative discussions again with the people out in the field. Mr. Rose stated that he would like to see that monthly or quarterly. Mr. Rose also stated that he never gets to review the final inspection of any homes. Mr. Rose also states that he feels that if a home fails inspection, the OMHC should be notified and that Mr. Rose feels there is no thumb on the pulse of the installers.

Regina Hanshaw stated that maybe instead of only bringing people in for missing deadlines on inspections we should be bringing people in based on the quality of the work. Ms. Hanshaw also stated that she feels that this is not the proper forum to discuss the allegations made by Mr. Rose and maybe it should be done internally by the staff with a report back to the Commission. Mr. Rolfes stated that because allegations were made against the Commissioners themselves he wanted to verify in front of all the Commissioners that no one has instructed Mr. Rose to do anything differently then what the rules state. Mr. Rolfes informed Mr. Rose that he wants Mr. Rose to be able to bring items to people's attention but the proper way of doing that should have been followed. Mr. Rose needed to present the findings of his audits to Janet who would present them to the AAG for further review. Once the AAG reviews the findings, he will notify Janet Williams as to what the follow up process will be and then Mrs. Williams will present that to the board.

Mr. Rose stated that his primary concern was that the reason why the OMHC was created was because HUD mandated that an agency be created to ensure proper installation of homes. Mr. Rose stated that we cannot just ignore that because we have the parks now. Mr. Atkinson stated that he does not feel that is happening at all. Mr. Atkinson stated that the OMHC is very understaffed and that the staff is doing a great job handling all the projects with the limited resources that they have. Jim Demitrus stated that when the staff is receiving over 600 complaints from park residents something is going to suffer. It is obvious that there is not enough staff and that is being resolved by hiring two new staff members. Evan Atkinson stated that he feels when the Commission staff and the inspectors are on the same page, the installers will fall in line. Jared Rose stated that he felt the best way to the installers was through the inspectors. If Mr. Rose could get the inspectors inspecting the same way the only thing for the installers would have no choice but to do all the installations correctly.

Dan Rolfes again stated to Mr. Rose that the board or Ms. Williams needs reports before they can bring people in. Mr. Rolfes has not seen any reports from Mr. Rose making him aware that audits were being performed and needed followed up on. Regina Hanshaw asked Ms. Williams how long it would take to bring a resolution to the board on these allegations. Ms. Williams stated 60 days. Dan Rolfes reiterated again the proper chain of command for staff at the OMHC is to go to the Executive Director first. If the issue is not resolved or you feel you did not get the resolution warranted, the next step is Chair of the Commission.

Action: Regina Hanshaw made a motion for the staff to discuss resolutions to Jared Rose's allegations and bring those resolutions to the Commission. Evan Atkinson seconded the motion. The motion passed unanimously.

Inspection Audits:

Due to Emory Helmuth needed to leave at noon and Mr. Rose's allegations of audits being performed that showed life safety issues that should not have passed final inspection, Mr. Helmuth asked if the inspection audits that Mr. Rose performed could be discussed at this time instead of later on the agenda as it was originally scheduled. Ms. Williams directed everyone to the two audits that Mr. Rose performed in August.

The first audit reviewed showed the following issues:

- The top of the landing on the stairs was more than the maximum distance allowed from the door to the landing.
- There were tears in the underbelly
- There was only one perimeter pier / outrigger placed at the door
- The foot of fall was not met since there was not a clean out
- No perimeter piers at exterior door opening
- Support straps were not placed every 4ft on sewer line
- ¼" per foot slope not obtained on the drain line

The second audit reviewed showed the following issues:

- Two outriggers were not placed at the door
- Pier is not within ½" of center of beam
- 2" solid block used for pier construction
- Pier construction non compliant
- Tears in the underbelly
- Sidewall straps were not anchored to assembly
- Not the right cap material used
- Cap not same length and width of the pier
- Split bolt not meeting minimum amount of turns
- No electrical sticker on meter pedestal

Regina Hanshaw asked Mr. Rose if these items discovered on the audits would cause the home to be uninhabitable or cause life safety issues. Mr. Rose stated no. Emory Helmuth stated that several of the items Mr. Rose stated were not acceptable were not true. Several of these items were discussed at the working group session held in October. These audits were performed in August. The process of the working group is to bring items up that need discussed and present them to the board for further review. The working group cannot change rules or laws. They can only make suggestions. Mr. Helmuth stated that the items that Mr. Rose stated were not correct would in no way make that house fail or make it unsafe. Mr. Helmuth stated that the code states that you are to use ASTM 90 block. There is no proof that the 2" block that Mr. Rose stated was not correct is not ASTM 90 block. Mr. Rose brought up that in the working group it was discussed that 2" block was not going to be permissible. Mr. Helmuth stated that again, this audit was performed in August, the working group was held in October. Mr. Helmuth then asked Mr. Rose why he stated that the cap was not correct on the double block pier. Mr. Rose stated that if you double block, then you have to double cap. Mr. Helmuth pointed out that this pier did not require a double block so a double block was not required. The pier required for that area was a single pier. Therefore a single cap would meet the safety requirements for that pier placement. Mr. Rose stated that because the installer chose to do a double block pier, he must use double cap. Mr. Helmuth stated that it does not jeopardize the safety of that home in any way. Mr. Rose stated that is just shows that the installer was lazy. Mr. Helmuth stated it absolutely does not show that the installer was lazy. Mr. Rose then stated that he was aware that installers at time may run out of 8" block and that the inspectors are given the ability to pass pier constructions at their discretion if it was done due to lack of material etc. Angel Legge then asked Mr. Rose if that is the case, why was this pier written up? Mr. Rose stated because it was not constructed to code. Angel Legge then stated to Mr. Rose that he is sitting the inspectors up to fail then because he is telling them they have the authority to allow a pier construction of that nature but yet Mr. Rose will write them up if they do.

Evan Atkinson asked for further discussion on the straps that Mr. Rose stated was incorrect. Mr. Atkinson stated that installers were always told that a home must be set for the wind zone it is being placed in, not the wind zone that it was built for. So for example, if a home is built for a zone 3 but is being placed in a zone 1, the installer does not have to anchor the home in any greater fashion than what is called for in zone 1. Mr. Rose stated that was incorrect. If a strap is placed on a home from the manufacturer then the strap must be properly anchored. Mr. Rose went on to state that if you are using an alternative anchoring system such as Minute Man or Oliver system, the manufacturer of that system requires the straps to be properly anchored in order to honor the warranty on the anchoring system. Evan Atkinson stated that he was not aware of this requirement.

Regina Hanshaw stated that perhaps a different type of letter needs to be sent with audits. Instead of sending the same letter to all inspecting agencies there needs to be a different letter for best practice procedures vs. life safety issues. This needs to be used as teaching methods and not just ways to fine people and punish them. Our goal is education and compliance.

Rick Binder asked to make a statement to the board. He stated that he has been inspecting home installations since 2007. The first inspector the OMHC had he never heard from. The second inspector the OMHC had came to his office one time and he never heard from him again. What Gary Whitaker and Jared Rose are doing for the Commission and the expertise they bring to the table is ten times better than what they had before. He stated that there was a learning curve to getting adjusted to the two new inspectors but he feels they are both doing everything they can to better the process and they are bringing up things that were never thought of in the past.

Eastern Ohio Home Show – Exhibit Booth

Executive Director Janet Williams spoke of the Eastern Ohio Home Show that will be taking place May 16 – May 18 in North Canton Ohio. She explained that the OMHC has been asked to be a government sponsor of the event as this will provide the OMHC a good opportunity to reach out to the public and be there to answer questions about the laws and codes in the industry. The cost is \$495.00.

Action:

Tim Apel made a motion to be a government sponsor at the show and Jim Demitrus seconded the motion. The motion passed unanimously.

New Hires

Executive Director Janet Williams updated the board members on the hiring process for the two positions the OMHC is looking to fill. She explained there is one candidate that will be offered the position of Administrative Staff / Installation and there are a few more interviews to conduct before the candidate is selected for the Administrative Staff / Parks position. Jim Demitrus asked if the hiring process and the time line was being tracked as to how long it has taken to fill these positions. He would like the state to know that the Commission and the staff is doing everything in their power to get all the projects done in a timely manner but because of the delay caused by the state in the hiring process it is hindering the staff's ability to effectively manage several projects.

Inspectors Getting Favorable Results

Investigator/Inspector Gary Whitaker gave the inspector report along with an updated report on how many complaints have been received and resolved by the Commission staff. Mr. Whitaker explained that he left the 2013 column on the report to reflect were the complaints stand versus last year at this time. He pointed out that the frozen water line complaints are sky high compared to last year due to the weather the state has experienced this winter. Mr. Whitaker stated that through education and following up on park inspections the majority of complaints have decreased as residents and park operators are doing more on their part. Mr. Rolfes asked Mr. Whitaker how the response has been from park operators in regards to dealing with complaints and getting them resolved. Mr. Whitaker stated that for the most part, the park operators were cooperative and took care of the issues. There were a few that were a little tougher to get to comply but that they were being dealt with. Ron Younkin brought up the fact that not all frozen water lines issues are park operators fault and they are sometimes at the fault of the homeowner. Mr. Younkin felt it was important to establish the difference. Mr. Whitaker explained that absolutely that was the truth and the first thing that the investigators determine when receiving the complaint is if the complainant is a home owner or renter, where is the frozen area located at and is the home being properly heated and heat tape in working order. Not all calls received come back on the park operator. Jim Demitrus stated that he feels it would be a good idea to make the residents aware of their responsibilities as far as protecting water and sewer lines.

Budget Report:

Executive Director, Janet Williams provided the update on expenses and revenues for FY 2014. To date, the revenue for FY 2014 is \$838,163 and the expenses are \$501,451.

E-Licensing:

Executive Director, Janet Williams spoke in regards to the continuing project of converting over to the new database and where that process was at. It is still on track and scheduled to be complete in December of 2014.

180 Day Report:

Angel Legge explained the 180 day report is an update to the report given at the last meeting. There has been a decrease in the amount of permits expired in general for each agency and most agencies have improved on getting permits finalized. On December 18, 2013 there were 7 agencies at 100%, 2 at 90-99%, 5 at 80- 89%, 4 at 70-79%, 3 at 60-69% and one agency at 50%. Today, those numbers have improved and as of February 19, 2014 there are 9 agencies at 100%, 4 at 90-99%, 5 at 80-89%, 3 at 70-79%, 1 at 60-69% and 1 at 50%.

Park Renewal Report:

Angel Legge informed the board that as of the date of the meeting, 1496 of the 1614 communities have completed the renewal for 2014. 30 applications are being worked on due to errors made by applicants, 75 communities have not responded and have until 2-28-14 before the next action is taken and 13 communities will be handed over to the AAG for further legal action due to non-compliance with the law.

Local Health Dept. (LHD) Responses for MOU's for 2014 Community Inspection Season:

Out of the 71 LHDs that will be performing the 2014 park inspections, 70 have returned their MOU's signed. We are working with one to finish the process and Butler County Health Dept has dropped out of inspecting and that county has been picked up by a TPA.

Third Party Agency Contracts for 2014

Angel Legge reported that all TPA's have returned their contracts for 2014.

Inspections in Communities Report

Angel Legge reported that 100% of the park inspections for 2013 have been completed.

RV's in Communities:

Allan Showalter AAG presented his legal opinion on the matter of the OMHC's position with RV's in Communities. Executive Director Janet Williams delivered a copy of his legal opinion to the board members for their review. Mr. Showalter stated that his written recommendation on this matter is protected by attorney client privilege and is not available in a public records request. Mr. Showalter explained that there are two options to discuss this recommendation. The first one being that the opinion may be discussed as written and it will remain protected as confidential and attorney client privilege. The second option is that the board may waive their right to attorney client privilege and then the legal analysis of the recommendation may be discussed in the public forum. Dan Rolfes asked each board member to read the legal opinion and then the decision will be made to decide which option would be best.

After all the board members read the opinion it was determined that further review of this matter was warranted and a special committee will be formed to discuss the pros and cons of this matter along with the impact it will have on communities. Ron Younkin suggested Aaron Mortrud as a member and Tim Apel volunteered as well. The OMHC staff will look into getting other members and forming the committee. Allan Showalter reminded everyone that if the committee will be making recommendations to the board, the same open meeting rules such as public notices etc.

Bulletin from 7-16-2012, Model Homes in Parks

Executive Director Janet M Williams informed the board of an issue that has arose due to confusion based on a bulletin that was sent out to installers and inspectors on 7-16-12. An installer brought in two homes and placed them on lots in a community and a stop work order was placed on the homes due to another installer seeing the homes but not seeing where permits had been issued for the sets. The installer went ahead and purchased the permits to satisfy the stop work order even though installation of the homes had not started nor had any intention of starting. The homes were to be used as models and once sold, the home would be installed on the lot the consumer chose. At this time, the permits have expired and the homes have not sold and are still sitting on the lots as models. Janet Williams confirmed with board the intent of the bulletin and the fact that these homes fit the criteria of model homes, therefore the two permits would be cleared off the seal report and the installer will work with the inspection agency who issued the permits on the monetary portion.

Rick Binder spoke up and stated he was the inspection agency that placed the stop work order on the home and stated that he was told if a home was placed on the lot and the wheels were removed, a permit must be purchased. There was not a permit for this home and therefore the stop work order was placed. Rick Binder was also upset because he felt if he placed the stop work order he should have been the agency to have received the request for permits. Janet Williams explained to Mr. Binder that there is not a law that allows the OMHC to force an installer or homeowner to use a certain inspection agency. She did explain to him that 9 times out of 10, the homeowner or installer will stay with the agency that issued the stop work order but it is at their discretion who they used. Mr. Binder stated that he would like to see a process in place to notify inspection agencies when a stop work has been placed on a home. Evan Atkinson suggested that the agency issued the order also send a copy into the OMHC and the OMHC will then forward it to all the inspection agencies. Mrs. Williams stated that is a good idea and she will look into the process.

Skirting and Vapor Retarder Requirements

Jared Rose presented to the board the updated flyer he made due to clarifications that were made at the December board meeting. The board members agreed the flyer was acceptable with the following changes: Regina Hanshaw stated that it must read OAC, not ORC. Evan Atkinson confirmed that when a solid slab at grade was used, vapor barrier is not required. Tim Apel said he would like to see the flow of the information more user friendly as it was difficult to follow.

Jared Rose did state that this flyer was only valid with used home in regards to frost depth because HUD did not recognize the OMHC as the authority to set frost depth. Janet Williams informed Mr. Rose that was not a true statement and in fact according to HUD 3285.312(b)(1) the OMHC is the local authority having jurisdiction. Evan Atkinson stated that he felt it would be a good idea to still have drawings available as reference for installers as some work better with drawings vs. flyers. The drawings do not necessarily have to be a stamped engineered drawing but more of an educational drawing.

Ambulances in Communities:

Jim Demitrus spoke in regards to the matter of park owners being charged in Franklin Township up in Northern Ohio for ambulance calls to their community once they exceed 5. Mr. Demitrus expressed his great concern over the matter due to the possibility of this nature of business spreading to other townships and villages which in turn would have far reaching impact on park owners, residents and our industry. Evan Atkinson stated that he feels this is a problem that the OMHC needs to consider getting involved with because like Mr. Demitrus stated, this has the ability to have a large negative impact on the industry and the OMHC is here to help better the industry. At this time, one of the park operators that is affected by this matter has a familial relationship with a board member. Therefore that board member will exclude himself from any actions and motions made. With excluding the board member, it will result in no quorum to able to discuss actions and motions. This subject will be tabled until the next meeting.

4781-11-02 Being a Salesperson for more than one Dealer

The Commission recently had someone apply to hold a second salesperson license for a different dealer than whom they hold their original license with. Janet Williams wanted to confirm with the board that ORC 4781.18(b)(6) was not a law that may need considered for revision. Evan Atkinson stated that he feels it falls in line with most licensing requirements and felt there was no reason to revise.

Paul Miller, Attorney, Letter Regarding Amish Family

Executive Director Janet Williams brought to the attention of the board a letter she received from an attorney representing a homeowner who installed a home in the State of Ohio who was unable to meet the requirements of passing a final inspection due to religious beliefs. Regina Hanshaw stated that the BBS deals with this situation frequently and suggested that the staff contact the Wayne County Building Department to ask how they handle these situations for guidance.

Fines Against Communities:

Executive Director, Janet Williams stated that she was looking for perimeters of when to bring communities who violate rules and laws and fail to get in compliance. The board stated that Janet Williams had the authority and trust to set those perimeters herself.

Bulletin to Inspection Agencies, Seal Report Procedure:

Executive Director, Janet Williams stated that a bulletin went out to all inspection agencies reminding them of the procedure on how to place information on the seal report. Over the years, new people have started entering information and some of the details have been lost in translation. This was an informative bulletin stating the dos and don'ts of seal reporting.

Email to all Bldg. and Health Depts. who do Installation Inspections:

Executive Director, Janet Williams stated that an email went out to all building and health departments who conduct home installation inspections asking for updated fee schedules so the OMHC was aware of what was being charged for this service throughout the state. Evan Atkinson asked if the board would get that information once received. Angel Legge confirmed that the information was being tracked in Excel and a report would be available at the next meeting.

Letter to the Governor's Office – Human Trafficking:

Executive Director Janet Williams explained to the board that the State of Ohio is ranked 5th in the amount of human trafficking cases in the nation. The Governor's office is requesting that each state agency provide information and material to their customers to try to curb this epidemic. Ms. Williams explained to the board the ways she plans to put educational matters into the hands of our customers and her own experience of meeting a victim of human trafficking and the profound effect it had on her.

New Business:

Gary Whitaker asked if the board would approve an amount to spend to obtain drawings for the installers to use instead of stamped engineered drawings.

Action: The motion was made by Evan Atkinson to re-appropriate funds signified for engineering services to also be used for drawings for installations as needed. Jim Demitrus seconded the motion.

Adjournment:

Action: A motion was made by Dan Rolfes and seconded by Regina Hanshaw at 3:45 pm to adjourn. The motion passed unanimously.

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

Janet M. Williams
Executive Director
Ohio Manufactured Homes Commission

Dan Rolfes
Chair
Ohio Manufactured Homes Commission

Ohio Manufactured Homes Commission
April 16, 2014
10:00 AM
5100 Parkcenter Avenue, Suite 103
Dublin, Ohio 43017

Members Present

Dan Rolfes, Chair
Evan J. Atkinson, Vice Chair
Tim Apel
Jim Demitrus
Regina Hanshaw
Emory Helmuth
Rodney Hemming
Tom Rehrig

Commission Staff

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

Legal Counsel

Allan Showalter, AAG
Lydia Arko, AAG

Members Absent

None

Guests

Andrea Reichman, OMHA
Warren Connolly, OCIB
Frank Pojman, AMHRO
John Krohn, Resident Vinton Springs
Dianna Krohn, Resident Vinton Springs
Elaine Gauck, Community Owner Lake Terrace

Call to Order

The meeting was called to order at 10:10 AM by Chair, Dan Rolfes.

Roll Call:

All Commissioners were present.

Swearing in of Commissioners:

Allan Showalter, AAG swore in the three new Commissioners, Tim Apel, House appointed, representing Owner/Operators of Communities, Tom Rehrig, Senate appointed, representing Manufacturers, and Rodney Hemming, Senate appointed, representing Installers.

Approval of the Minutes:

Dan Rolfes asked for a motion to approve the minutes from the February 19, 2014.

Action: A motion was made by Jim Demitrus to approve the minutes from the February 19, 2013 meeting. The motion was seconded by Regina Hanshaw. The motion passed with Rodney Hemming and Tom Rehrig abstaining.

Public Comment:

John Krohn stated that he is a resident of Vinton Springs community in Morrow County and he and his wife drove down to the meeting at the suggestion of AMHRO to express their concern over issues going on in the community. He stated that there are street light problems, mold under homes, parking issues, sewer issues and many other items and he is asking that the issues be addressed by the Commission. Executive Director Janet M. Williams stated that she would make sure their complaints were delivered to the investigator for that county and that they would be addressed accordingly.

Frank Pojman, President of AMHRO wanted to inform the Commission of a Strategic Planning meeting held recently. Mr. Pojman stated the meeting was very successful and they look forward to working with the Commission and OMHA. He also stated that the few issues they have had to call the Commission on have been handled well and he appreciates that and stated that Jared Rose has been very helpful to the residents that have called in with concerns.

Executive Director's Report:

Executive Director, Janet Williams discussed the most recent working group sessions and explained to the Commissioners that there were several "clarifications" that need to go out to the installers and inspectors and a few rule change suggestions that were made to the Commission.

The first clarification is more of a suggestion to the installers that they need to be more aware of the condition of the underbelly and prepare the homeowner for the expense of repairing any damage before the home will be able to pass final inspection. The Commission has also added a special area on the Homeowner/Installer and Community Owner/Installer Agreement to remind installers to address the under belly before installation begins.

The second clarification is in regards to what type of material is permitted when supporting plumbing connections under the home. It is confirmed that installers are permitted to use both metal and plastic material provided those materials have a UL listing for that purpose.

The third clarification is in regards to when it is acceptable to use spray foam at the mating line. It is confirmed that spray foam may only be used *in conjunction* with the required gasket at the mating line.

The fourth clarification is in regards to the use of alternative perimeter piers and the proper way of doing so. Perimeter piers must be installed in pairs. The outrigger that is welded onto the frame at the factory is not considered a perimeter pier. If using adjustable outriggers, you must install *TWO*.

The first rule change suggestion is in regards to 4781-6-03.3(D)(1)(a). The rule change suggestion will be to remove "*an average net area minimum compressive strength for three units of nineteen hundred psi*" from the rule and add the following verbiage; *On used homes, load bearing concrete blocks meeting ASTM C-90 shall be used and may consist of a combination of nominal dimensions of eight by eight by sixteen inches, four by eight by sixteen inches and two by eight by sixteen inches when deemed necessary to stabilize or strengthen the pier or to achieve the correct height.*

The second rule change suggestion is in regards to 4781-6-03.3(D)(3)(d). The rule change suggestion will be to remove "*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*" and replaced with "*shall not exceed four inches, by a combination of nominal two by eight wood block, one by eight hardwood and one set of one inch wood wedges or shims*"

The third rule change suggestion is in regards to 4781-6-03.4(B)(2)(b). The rule change suggestion was to require longitudinal anchoring on both used and new homes of all sizes.

The fourth rule change suggestion is in regards to 4781.6.03.8(K)(2). The rule change suggestion will be to add “The landing on the secondary door shall have a minimum dimension of twenty-four inches measured in the direction of travel.”

After discussion of these topics, the four (4) clarifications were confirmed and agreed that they need sent out to the installers and inspectors. Rule change suggestions one and two were accepted. Rule change suggestion three was not accepted and therefore no rule change will be made to 4781-6-03.4(B)(2)(b). Rule change suggestion four was modified to the following: Keep the rule as is except remove “but no less than the dimension of door that swings over the landing”.

The rule change suggestions that were agreed upon or modified will be placed in the rule change packet and be presented at a later date to the Commission for motion and submission to JCARR.

Ratifications:

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

Action: A motion was made by Regina Hanshaw and seconded by Jim Demitrus to approve the sixteen (16) applicants, listed on the ratification list. The motion passed unanimously.

Executive Director, Janet Williams presented a list of two (2) applicants for salesperson licenses that met the requirements for a salesperson’s license. Commissioner Tom Rehrig recused himself.

Action: A motion was made by Regina Hanshaw and seconded by Jim Demitrus to approve the two (2) applicants, listed on the ratification list. The motion passed unanimously.

Executive Director, Janet Williams presented a list of two (2) applicants for salesperson licenses that met the requirements for a salesperson’s license. Commissioner Tim Apel recused himself.

Action: A motion was made by Regina Hanshaw and seconded by Jim Demitrus to approve the two (2) applicants, listed on the ratification list. The motion passed unanimously.

Executive Director, Janet Williams presented one (1) applicant for salesperson licenses that met the requirements for a salesperson’s license. Commissioner Rodney Hemming recused himself.

Action: A motion was made by Regina Hanshaw and seconded by Jim Demitrus to approve the one (1) applicant, listed on the ratification list. The motion passed unanimously.

Executive Director, Janet Williams presented a list of one (1) applicant for an inspector’s license that met the requirements for an inspector’s license.

Action: A motion was made by Regina Hanshaw and seconded by Jim Demitrus to approve the one (1) applicant for an inspector’s license, listed on the ratification list. The motion passed unanimously.

Executive Director, Janet Williams presented a list of one (1) applicant for an installer’s license that met the requirements for an inspector’s license.

Action: A motion was made by Regina Hanshaw and seconded by Jim Demitrus to approve the one (1) applicant for an installer’s license, listed on the ratification list. The motion passed unanimously.

Executive Director, Janet Williams presented a list of four (4) applicants for dealer licenses that met the requirements for a dealer's license. Janet Williams explained that all qualifications have been met excluding fingerprint results. They were still pending. All dealer's besides three have been inspected. The fourth dealer has submitted the required pictures.

Action: A motion was made by Jim Demitris to approve the four (4) applicants as dealers contingent on fingerprint results received and passed and final inspection passed of the fourth applicant. The motion was seconded by Regina Hanshaw and passed unanimously.

Eastern Ohio Home Show:

Executive Director Janet Williams spoke of the home show that was coming up on May 16, 17 and 18 at the MAPS Air Field Museum in North Canton Ohio. Friday is Industry day and everyone will be admitted free of charge to the Air Field Museum as well. The home show has been a great boost to the area economically. There are 20 homes booked to be showcased at the home show along with many vendors, financial institutions and other people in the industry.

New Hires:

Executive Director Janet Williams took a minute to introduce two new staff members to the agency. Michelle Johnson and Rick Graham began working at the agency about 4-5 weeks ago. They are both administrative professionals with emphasis on front office duty. Along with those duties Michelle will also focus on projects related to home installations and Rick will focus on projects relating to communities such as annual inspections and complaints made against communities. They have both transitioned onto the team well and are making great strides in those projects.

CE Credit

Executive Director Janet Williams explained that Commissioner Helmuth attended the most recent CE class at the request of the Commission due to clarifications that needed to be made and help in fielding questions from the field. Mr. Helmuth holds an active license as an installer and one of those requirements to maintain his license is to attend 8 hours of continuing education prior to the expiration of his license. Ms. Williams is requesting that the Commission pay the course fee for Commissioner Helmuth so that it will be credited towards his continuing education requirement considering Mr. Helmuth was there at the request of the Commission yet he attended the full 8 hours of the class.

Action:

Regina Hanshaw motioned for the Commission to pay the \$165.00 fee to the course sponsor for Emory Helmuth's attendance at the continuing education class held on February 26, 2014. Evan Atkinson seconded the motion and the motion passed unanimously.

Inspectors Getting Favorable Results

Investigator/Inspector Gary Whitaker gave the inspector report along with an updated report on how many complaints have been received and resolved by the Commission staff. Mr. Whitaker pointed out that there has been a significant drop in complaints the past two months as temperatures have finally returned to normal and frozen water and sewer lines are not so prevalent. Calls are starting to pick up again as pot holes are starting to surface now due to the winter. Mr. Atkinson asked for some examples of calls that are being received in regards to title skipping. Mr. Rose explained that callers complain that they were in a rent to own type agreement and when the home was paid off, the community was not giving the resident the title. Mr. Rose went on to explain that our agency is not able to help much in that area and that most callers are referred to the State Title Agency for further assistance and to make complaints.

Executive Director Janet Williams also wanted to take a minute and share an email that was sent by a consumer in regards to help he received by Mr. Whitaker on a possible dispute resolution case. The consumer stated that Mr. Whitaker was very helpful and professional and he appreciated his efforts to resolve the issue between the home manufacturer and the home owner.

Budget Report:

Executive Director, Janet Williams provided the update on expenses and revenues for FY 2014. To date, the revenue for FY 2014 is \$940,496 and the expenses are \$566,109.

E-Licensing:

Executive Director, Janet Williams spoke in regards to the continuing project of converting over to the new database and where that process was at. There have been some problems with the conversation and there is now talk of possibly scrapping the project. They are moving forward with the project at this time but are cautious on the end result.

Audit:

Executive Director, Janet Williams discussed the recent audit that was completed by the Auditor of State's office. The audit is conducted every other year and this year's auditor to an exceptional long time to complete due to hold ups at the Auditor's office. The report was received in January with very few findings and no findings of great concern. The findings were all related to record keeping and no money issues.

180 Day Report:

Executive Director Janet Williams explained that now that Michele Johnson is in place the more in depth reports are starting on the 180 permits and the reasons behind permits expiring etc. Angel Legge also wanted to share that as of February 26, 2014 there has been 14872 permits and of those permits, 927 permits have expired without being finalized. That comes out to 94%. We are striving for higher but that is a pretty good number to start at!

Fee Schedule for Inspection Agencies

Executive Director Janet Williams explained that the staff had requested a list of the fee's being charged by the Third Party Agencies inspecting home installations. The information was put into a spreadsheet and that spreadsheet could be found in the board packet.

Website Issue:

At a prior Commission meeting, it was discovered there was a glitch in locating communities within a county on the website and Executive Director Janet Williams informed everyone the glitch has been fixed and the website is functioning properly at this time.

Park Renewal Report:

Angel Legge informed the board that as of the date of the meeting, 1585 communities have completed the renewal for 2014. 15 communities are still in the processing of renewal for 2014 and have two weeks to complete the process. If they fail to do so, they will be handed over to the AG's for further legal action. Of the 13 communities were sent to the AG's office in March for failure to renew for both 2013 and 2014, 9 remain non-compliant and the AG's will be notified to proceed. 10 communities closed in 2013 and 2 communities become licensed for the first time in 2013. The staff is currently working on 3 communities that have recently been discovered as unlicensed.

Inspections in Communities Report

Executive Director Janet Williams reported that the 2014 community inspection season has begun as of April 1st. We have already received several reports and all inspections are to be completed by September 30, 2014.

HUD Certification:

Executive Director Janet Williams notified the Commissioners that she submitted the necessary paperwork to HUD to renew Ohio Installation Program. Ohio's Installation Program was approved by HUD and has been renewed for another five years.

Sunset Estates vs. City of Lodi

Executive Director Janet Williams spoke of a legal case between Sunset Estates and the City of Lodi that has potential for far reaching affects in the industry on the community side. Sunset Estates filed a complaint against the City of Lodi alleging the City of Lodi hindering commerce by not allowing Sunset Estates to fill vacant sites in the community that sat vacant for greater than 60 days. The City of Lodi won the case, Sunset Estates filed an appeal and the Third District Appellate court reversed the decision and ruled in favor of Sunset Estates. The City of Lodi then appealed to the Supreme Court of Ohio and the Supreme Court has ruled to hear the appeal. The issue has been referred to the State of Ohio Attorney General's office.

New Business:

Evan Atkinson notified everyone that the Division of Finance met with the OMHA and would like to work with them to put together a seminar in regards to the Safe Act and the rules and requirements concerning MLO's and dealers. Because the Commission licenses and regulates dealers, Mr. Atkinson feels it is important for the Commission to be familiar with these requirements as well and somewhat educated on the matter so that they will be able to aid dealer's as needed. The staff will stay abreast of the developments.

Adjournment:

Action: A motion was made by Tom Rehrig and seconded by Tim Apel to adjourn. The motion passed unanimously.

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

Janet M. Williams
Executive Director
Ohio Manufactured Homes Commission

Dan Rolfes
Chair
Ohio Manufactured Homes Commission

Ohio Manufactured Homes Commission
June 18, 2014
10:00 AM
5100 Parkcenter Avenue, Suite 103
Dublin, Ohio 43017

Members Present

Dan Rolfes, Chair
Evan J. Atkinson, Vice Chair
Tim Apel
Jim Demitrus
Rodney Hemming
Emory Helmuth

Commission Staff

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

Legal Counsel

Lydia Arko, AAG

Members Absent

Regina Hanshaw
Tom Rehrig

Guests

Andrea Reichman, OMHA
Warren Connolly, OCIB
Frank Pojman, AMHRO
Martha Geniella, AMHRO

Call to Order

The meeting was called to order at 10:10 AM by Chair, Dan Rolfes.

Roll Call

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

Approval of the Minutes

Dan Rolfes asked for a motion to approve the minutes from the April 16, 2014.

Action: A motion was made by Evan Atkinson to approve the minutes from the April 16, 2014 meeting. The motion was seconded by Jim Demitrus. The motion passed unanimously.

Public Comment

Frank Pojman spoke on behalf of AMHRO. He is happy to state that Martha Geniella, the wife of the late Bill Geniella has agreed to stay on board with AMHRO and help fill the big void that was left with the passing of her husband who served as President of AMHRO for many years. Mr. Pojman also wanted to deliver an article that was published in "The Journal". The article is in regards to MHARR's viewpoint on the RV industry and the impact it has on the Manufactured Home Community industry.

Warren Connolly OCIB stated that he felt it would be beneficial for installers and inspectors to have a code book they can reference out in the field. Discussion pursued on this matter and it was agreed that the Commission staff would look at options of putting something together to be used as a reference guide.

Executive Director's Report

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

Action: A motion was made by Jim Demitrus and seconded by Emory Helmuth to approve the sixteen (16) applicants, listed on the ratification list. The motion passed unanimously.

Executive Director, Janet Williams presented a list of two (2) applicants for an installer's license that met the requirements for an inspector's license.

Action: A motion was made by Jim Demitrus and seconded by Emory Helmuth to approve the two (2) applicants for an installer's license listed on the ratification list. The motion passed unanimously.

Executive Director, Janet Williams presented a list of five (5) applicants for dealer licenses that met the requirements for a dealer's license.

Action: A motion was made by Jim Demitrus and seconded by Emory Helmuth to approve the five (5) applicants for dealer's license listed on the ratification list. The motion passed unanimously.

Evan Atkinson expressed concern over the growing number of dealers located in parks. The concern stems from all the new laws and regulations imposed on dealers by the Federal Government. Mr. Atkinson's stated even an experienced dealer who has been in the business for many years has a difficult time understanding all the new requirements and remaining compliant. He feels it would be in the best interest of the Commission and the industry as a whole to try to get educational information out to the dealers so they are made aware of all the changes in laws and requirements. Executive Director Janet Williams stated we would work on putting a packet together to get out to dealers as well as putting information in the quarterly newsletter.

Eastern Ohio Home Show

Executive Director Janet Williams discussed the recent Eastern Ohio Home Show that was held in North Canton in May. She stated she felt the show was great success especially considering this was the first one held of this nature. Evan Atkinson stated that he felt it went well also and the he would like to see a few changes for future shows.

Newsletter

Executive Director Janet Williams shared with the board the new newsletter that went out in May to all the communities that are licensed with us in the State of Ohio. She praised staff member Angel Legge as she was the person who developed the newsletter. She also explained that we will be distributing a newsletter quarterly and this first newsletter that went out was strictly for communities as they are the newest addition to our licensing department. Therefore they are more than likely to have the least amount of information about us and what we can do for them, etc. Future newsletters will go out to all licensees that the Commission services and if anyone has any ideas, suggestions or comments that they would like to add to the next one please get them into the Commission office by the end of June. Commissioners also stated they felt Angel did a great job on the newsletter.

Flyer

Executive Director Janet Williams explained the flyer in the packet is a new flyer that was designed to mimic what our installation brochure discussed but in a different format to encourage others to use it more. She also explained that 20 flyers were sent out to all 88 Auditors in the State of Ohio with a letter asking them to please give each person that receives a relocation permit this flyer. Our hope is that by making sure everyone who is moving a home is being made aware of the laws and requirements of setting that home as well. We are hoping this will cut back on the amount of illegal sets that occur due to misguided information that is out in the field.

Evan Atkinson stated that he would like to have some as well to include with the paperwork on home sales as a way to educate the buyer on what is required for installation.

Law Change

Executive Director Janet Williams wanted to make the Commissioners aware of the recent signing on June 16th of HB 483 in the Mid Biennium Budget by Governor Kasich that may impact our agency. There was a law change proposal that was placed into the bill by DAS and the Governor's office that voids out OAC 4781-1-02 which states "The headquarters for the commission shall be Dublin, Ohio". The law change affects ORC 4781.04(C) and the new language can be found in the packets. Executive Director Janet Williams will make the Commissioners aware of any new requirements under this new law as they happen.

Several Commissioners voiced their concern on the impact to the public this will have if the headquarters is required to move downtown. It will be a hindrance and costly to the public that attend our monthly Commission meetings as well as costly for the state to move the agency. Executive Director Janet Williams expressed her concern over the life safety issues we deal with on a daily basis and the downtime we will experience associated with a move and what may happen to those residents of the state of Ohio that will not be able to reach us during those critical times. Evan Atkinson stated he felt that the Commission needs to employ a group that will be responsible to look out for those law changes as they are being introduced to legislation to allow us time to respond appropriately to the House and or the Senate and make them aware of the far reaching impact some proposed law changes may have. Lydia Arko, AGG, will look into the matter and get back to us with our options and cost of such services.

Homeowner Affidavit

Executive Director, Janet Williams spoke about a form in the packet titled Homeowner Affidavit. She explained she received the idea at a recent speaking engagement she attended and thought it would be useful to our agency. The form would be given to the Installation Inspection Agencies as part of the permit application. If a homeowner would be installing the home, they must fill out the affidavit and include it with the application. It is just one more tool to make the homeowner aware of all the requirements and responsibility that comes with installing their own home. The Commissioners bounced back a few ideas of things to add to the form. Janet Williams stated that we would make the changes and then present it back for a final approval at the next meeting.

Website Form Changes

Executive Director, Janet Williams notified everyone the forms available on the web site have been updated and the majority of the forms are now interactive forms that can be filled out online and then emailed back. This is in response to suggestions made by our licensees and it should result in better customer service in regards to accessibility of forms.

Inspectors Report

Gary Whitaker gave the Inspectors Report update since the last meeting. He wanted to point out we have had a 300% increase in frozen water line complaints and a 95% decrease in infestation complaints. He feels that the increase in complaints are due to the fact that people are starting to become aware of our existence and the decrease in complaints is because the local health departments are doing more on their part in regards to handling infestations.

Budget Report

Executive Director Janet Williams explained that we are at the end of the Fiscal Year and budget numbers are available on the form in the packet. She explained the decrease in revenue we experienced this year is due to this being an “off” year for dealers, salespeople, installers and inspectors. Next year we will experience an increase in revenue as the majority of those licensees will be due for renewal.

E-Licensing

Executive Director Janet Williams gave the update on the status of the conversion from e-Licensing to Versa. At this time, there have been a few setbacks and we will likely be pushed back to middle of 2015 before we will go live with the new database.

Muskingum County Sink Hole Event

Executive Director Janet Williams spoke of a recent event in Muskingum County that displaced several families residing in manufactured homes and stick built homes in the area. In April of 2014, a sink hole appeared behind a manufactured home. The owner of the home notified ODNR and they become investigating the area. In June, another sink hole opened up on the property that threatened to swallow the home. Several state agencies contacted our office hoping to get assistance to forcible remove the occupants of the other homes in the area that are in the danger zone. Gary Whitaker responded to the calls and meet with several state officials until late in the evening on June 6, 2014. He informed them we did not have the authority to force occupants out of their homes but we would be able to assist and guide them through the installation process of the homes if they could be relocated into a safe area. He also assisted the State Fire Marshall by putting him in contact with individuals that could answer questions about replacing the homes themselves and other concerns they had. At this time, the matter is in the State Fire Marshall and ODNR's hands and they have been made aware of our desire to help as we can. Discussion ensued about other options we may have to further aid in the situation. Dan Rolfes stated he would contact the Governor to see where his office stands in the matter. Gary Whitaker stated he would contact the Fire Marshall and ODNR to see where they stand in the matter and Lydia Arko AGG provided additional resources that we may contact to see if they can be of assistance as well.

180 Day Report

Angel Legge presented the update on the status of permits issued from July 1, 2012 to December 18, 2013 as these permits have exceeded the 180 day period. A spreadsheet is provided in the packet along with the figures for each agencies on their performance of getting inspections finalized. She also informed them of the positive affects the letters from our office are having on getting several homes finalized more quickly and will be discussing the process of following up on homeowners how fail to final the home with the AG's office.

Bulletin

A copy of the recent Bulletin that went out to all installers and inspectors on April 30, 2014 is included in the packet. It discusses questions raised during recent CE classes and the answers to those questions as well as future rule revisions that will be presented to the board later this year.

Jared Rose asked the board for a policy to allow the below requested rule revisions to be active now.

- On a **NEW** Home: Pier construction must be done using 8x8x16 ASTM C-90 blocks. Using any size less than 8x8x16 must be approved by the Inspecting Agency prior to constructing the pier.
- On a **USED** Home: Pier construction can consist of a combination of 8x8x16, 4x8x16 and 2x8x16 solid ASTM C-90 block when deemed necessary to stabilize or strengthen the pier or to achieve the correct height.
- CAPS are to be constructed using either a 4x8x16 nominal solid concrete block, a 2x8x16 hardwood nominal or a ½” steel plate.
- GAPS shall not be larger than 4” nominal. If you have more than 4” of space left, an additional block needs to be used on the pier construction. To fill the gap of up to 4” you may use one 2” nominal hardwood, one 1” nominal hardwood and a pair of 1” shims. If all three materials are used, this will be a total of nominal 4” of wood for the gap. Therefore, if you use a 2” hardwood for the CAP and use a 2” hardwood, a 1” hardwood and a pair of 1” shims for the GAP, you will have a total of 6” of hardwood which is acceptable.
- The width of each landing shall not be less than the door served. Every landing shall have a minimum dimension of twenty-four inches measured in the direction of travel.

Action: Tim Apel made a motion to accept the four bulletin points listed above as policy until the rule revision can be made. Jim Demitrus seconded the motion. Motion passed unanimously.

Zoning & Homeowner Association Meetings

Executive Director, Janet Williams informed the board she spoke at two events for zoning officials helping to educate the local departments on their jurisdiction vs. the Commission’s jurisdiction. She felt the information for the most part was well received. So were completely unaware of the zoning authority inside a manufactured home community. She also informed the board that Angel Legge would be traveling to Port Clinton on Saturday to speak at an annual meeting held at Summer’s Breeze Manufactured Home Community. Summer’s Breeze reached out to the Commission and asked if someone would be able to come up and speak about the rules and laws in regards to replacing homes on sites and other items pertaining to the manufactured home community.

CE Class

During the most recent CE class a question was asked that needed to be brought back to the board for clarification on what is accepted. The question was if the foundation is an existing concrete slab and it needs to be extended due to the length of the replacement home, are runners allowed to be used or does it have to be a slab? After discussion of this matter, it was determined that runners are acceptable as long as they are placed to code.

Park Renewal Report

Angel Legge gave the park renewal report. There are 6 communities that have not renewed their operator license for 2013 nor 2014. Those 6 operators have been turned over to the AG's office for further legal action. There are 8 communities that have failed to renew their operator license for 2014. They have been given one final letter from our office and then they will be referred to the AG's office as well if not resolved.

Inspections in Communities Report

Angel Legge stated that inspections started on April 1, 2014 and as of today, there are 560 inspections completed which is 35% of the communities.

Sunset Estates vs. City of Lodi

Executive Director Janet Williams with permission from the AG's office informed the board of the brief that was prepared and submitted to the Supreme Court in regards to the case of Sunset Estates vs City of Lodi. The AG's office stated in their brief that procedure the Appellate Courts used to reach their decision in the case was unlawful and the Appellate Court needs to be given the case to review and reach a decision in the correct manner. The AG's brief was submitted as a neutral party to the case and only spoke of the laws that were not followed in the procedure to reach a decision by the Appellate Court. Discussion ensued which shows that the City of Lodi is not only challenging Sunset Estates ability to conduct business in their community, but it challenges Chapter 4781 of the ORC which states that local zoning does not have jurisdiction inside a manufactured home community. Therefore the Commission who is responsible for enforcing Chapter 4781 of the ORC should have been given the option to be a party in the original case and would have responded as such. Lydia Arko will research the case files and see what the options are once the Supreme Court makes their ruling.

Further discussion resulted in the need to allow the Executive Director to pursue outside legal counsel to represent the Commission if the need arises in this case.

Action: A motion was made by Evan Atkinson to give authority to the Executive Director Janet Williams to seek legal counsel and move forward with the case as needed. Tim Apel seconded the motion. Motion passed unanimously.

OMHC Dates of Interest

Executive Director Janet Williams placed a flyer in the packet with dates of interest regarding the Commission and the changes over the ten years of their existence.

Approval of FY15 Commission Meeting Schedule

Executive Director Janet Williams presented the FY 15 tentative commission meeting dates for everyone's schedule. If any changes are made, notification will be made accordingly.

New Business

Evan Atkinson stated that he is currently experiencing a problem with Ashtabula County Health Department in regards to them requiring plumbing permits on top of the permits that are required by Chapter 4781 of the ORC for installation of a home. He asked that Gary Whitaker please contact them to discuss this matter further. Gary Whitaker obtained the contact information from Evan Atkinson and stated he would contact them the next day.

Action: A motion was made by Evan Atkinson and seconded by Jim Demitrus to adjourn. The motion passed unanimously.

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

Janet M. Williams

Executive Director

Ohio Manufactured Homes Commission

Dan Rolfes

Chair

Ohio Manufactured Homes Commission

Ohio Manufactured Homes Commission
August 20, 2014
10:00 AM
5100 Parkcenter Avenue, Suite 103
Dublin, Ohio 43017

Members Present

Evan J. Atkinson, Vice Chair
Jim Demitrus
Regina Hanshaw
Emory Helmuth
Tim Apel
Tom Rehrig
Rodney Hemming

Members Absent

Dan Rolfes

Commission Staff

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

Legal Counsel

Lydia Arko, AAG

Guests

Warren Connolly, OCIB
Andrea Reichman, OMHA
Linda Cox, Resident of DB Estates
Elaine Gauck, Lake Terrace

Call to Order

The meeting was called to order at 10:15 AM by Vice Chair, Evan Atkinson.

Roll Call

All Commissioners were present with the exception of Dan Rolfes.

Approval of the Minutes

Evan Atkinson asked for a motion to approve the minutes from the June 18, 2014 meeting

Action: A motion was made by Regina Hanshaw to approve the minutes from the June 18, 2014 meeting. The motion was seconded by Jim Demitrus. The motion passed unanimously.

Public Comment

Linda Cox, resident of DB Estates spoke to the Commission in regards to concerns she has at the community in which she resides. Ms. Cox expressed concerns over feeling targeted by management for items she was not aware of as violations. She feels that management is using improper tactics against residents. She also stated that many residents are building structures without required permits. She stated management replaced all the water lines throughout the park and in the process removed all the residents shut off valves. She has voiced concern over sharing her complaints with management in fear of retaliation.

Evan Atkinson thanked Ms. Cox for presented her concerns and issues to the board. He explained that some of the items mentioned were in our jurisdiction while others were not. The investigator for the county in which she resides will be given the case and he will follow up with her and help her through the process of resolution.

Executive Director's Report

Executive Director, Janet Williams presented a list of four (4) applicants for salesperson licenses that met the requirements for a salesperson's license.

Action: A motion was made by Jim Demitrus and seconded by Emory Helmuth to approve the four (4) salesperson applicants, listed on the ratification list. The motion passed unanimously.

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

Action: A motion was made by Jim Demitrus and seconded by Tom Rehrig to approve the one (1) inspector applicant, listed on the ratification list. The motion passed unanimously

Executive Director, Janet Williams presented a list of one (1) applicant for dealer licenses that met the requirements for a dealer's license.

Action: A motion was made by Jim Demitrus and seconded by Emory Helmuth to approve the one (1) dealer applicant for dealer's license listed on the ratification list. The motion passed unanimously.

Homeowner Affidavit

Executive Director Janet Williams presented the Homeowner Affidavit with edits made that were requested at the last Commission meeting. It was clarified that this Affidavit, now known as an Agreement, will be added to the inspector's packet that is given to customers who apply for a permit with the inspecting agency. This agreement is only for homeowners who will be installing their own home. It will be sent to all the inspecting agencies with instructions for its use.

Action: A motion was made by Rodney Hemming to accept the revised Homeowner Agreement with the corrections discussed at this meeting and seconded by Emory Helmuth. The motion passed unanimously.

Inspectors Report

Gary Whitaker gave the Inspectors Report update since the last meeting. He stated that issues were going as expected and being handled accordingly. No major issues with park complaints are being worked on at this time.

Budget Report

Executive Director Janet Williams presented the final numbers for FY2014. Tim Apel expressed his desire to lower fees. Janet Williams expressed concern that we have not used all the resources that have been budgeted to us such as engineers and lawyers which we will be needed to utilize in the next coming months for projects in the works. She suggested that once we cover those expenses we can look to see how much is left over and if lowering fees is a possibility.

LSC Report

Executive Director Janet Williams explained the LSC report that was delivered to the State the week prior. The report showcased our numbers of active licenses and the amount of new licenses that were issued for FY2014 along with a financial summary for licensing in FY2014.

Muskingum County Sink Hole Event

Evan Atkinson presented the Commission with an update to the sink hole event in Muskingum County. He has been working with MEMA to get the five families that were displaced due to the event back into permanent housing. There has been several agencies that have donated many items to help the process as far as land and supplies needed for new homes. Things are progressing well and are on track.

Bulletin – Home Installation, 14 day Notice

Executive Director Janet Williams discussed the recent bulletin that was sent out to all installers and inspection agencies in regards to the requirement to send the 14 day Notice to the county Auditor and Treasurer. The bulletin was a reminder that this process must be followed.

Email – Mandatory Late Permit Change

Executive Director Janet Williams discussed the recent email that went out to all inspecting agencies in regards to a recent change made on the Late Permit Form. We have added a line to the form to flag if the installation was in a park or in private land. This change was made to aid our internal tracking process of the late permit fees. Regina Hanshaw expressed that she would like to see the issuance of a late fee be revisited in future law revision talks.

Homeowner Association Meeting

Angel Legge updated the Commission on a recent trip made to Summer Breeze Community located in Port Clinton. She spoke at the annual Homeowner's Association Meeting in regards to home placement/replacement requirements. She was given a tour of the community and felt the meeting went well.

Full Floating Slab – Is Skirting Required to Final

The question of whether skirting is required to complete a final inspection on the installation of a home that has a full slab foundation was brought to the Commission for clarification. Tom Rehrig stated he was confused as to why this question would be need clarification. Skirting is NOT required to be installed when a full slab foundation is used. No one disputed that statement. Evan Atkinson stated this is a prime example of the need to have an installation guidebook available for installers and inspectors to use as reference while out in the field working. Regina Hanshaw stated that she would supply the staff with names of companies that publish these types of literature for state agencies. Emory Helmuth expressed the need to work with an engineer that is very familiar with this industry and understands the different types of structures that are involved with manufactured homes.

Newsletter

Executive Director Janet Williams informed the Commission the next newsletter was being drafted and will go out to all the licensees. If anyone has anything they would like to add to the newsletter, please turn that information into Angel Legge by Wednesday August 27, 2014.

Applications Changing

Executive Director Janet Williams informed the Commission of the new requirement from the State Governor's office that we must inquiry to all applicants if they are a member or a veteran of US Armed Forces. These changes are in the process of being made to the applications and will be completed prior to the next renewal cycle.

Tract of Land, Community or no Community

A few questions have been asked to the Commission staff in regards to the laws and requirements that determine whether or not an area is considered a manufactured home park or not. It was clarified again that if a parcel of land has less than three manufactured homes on it, it is NOT a park. Regardless of neighboring parcels or owners of neighboring parcels. The definition of a park is based on each parcel.

CE Class

The final CE Class for 2014 will be held on October 29, 2014. As of today there are 10 spots left.

Safe Act Seminar

Executive Director Janet Williams spoke in regards to the recent seminar that some of the staff attended presented by the OMHA and the Department of Commerce on the Safe Act. We are reviewing our requirements to be licensed as a Dealer at this time to verify there is no conflicting requirement with Safe Act.

Park Renewal Report

There has not been a change since last reporting of the communities that have failed to license for 2013 or 2014. Currently those communities have been turned over to the AG's office and we are awaiting further instruction at this time.

Park Transfers

For FY2014 we have had 27 communities transfer ownership which resulted in revenues of \$11,895.73.

Inspections in Communities Report

Annual community inspections are to be completed by September 30, 2014 with the exception of one inspection agency who has been granted an extension until October 31, 2014. At this time, 61% of all the inspections have been completed. There will be a notice sent out next week to the remaining agencies yet to complete their inspections reminding them of the fast approaching deadline.

New Business

Evan Atkinson asked to confirm if fireplaces needed to be vented to the outside. Tom Rehrig stated yes they must be vented all the way out. There is a venting kit that you may purchase from the fireplace manufacturer to aid in the installation.

Regina Hanshaw made a suggestion to move the Commission meetings to an every other month schedule at this time until the need arises for monthly meetings again. Executive Director Janet Williams stated that would be acceptable and she will send out a revised meeting schedule for the remainder of 2014.

Action: A motion was made by Evan Atkinson to move into Executive Session under ORC 121.022(G)(3) to discuss pending or imminent court action. Regina Hanshaw seconded the motion. Roll call was taken. Evan Atkinson Yes, Jim Demitrus Yes, Regina Hanshaw Yes, Emory Helmuth Yes, Tim Apel Yes, Tom Rehrig Yes, and Rodney Hemming Yes

Entered Executive Session at 2:00 pm.

At 2:20 pm the Commission came out of Executive Session.

Laurel Belle Injunction

Action: Evan Atkinson moved for authorization of the Commission to file a complaint against Laurel Belle Manufactured Home Park. Motion was seconded by Regina Hanshaw. Roll call was taken. Evan Atkinson Yes, Jim Demitrus Yes, Emory Helmuth Yes, Regina Hanshaw Yes, Tim Apel Yes, Tom Rehrig Yes, and Rodney Hemming Yes

Adjournment:

Action: A motion was made by Tom Rehrig and seconded by Regina Hanshaw at 2:30 pm to adjourn. The motion passed unanimously.

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

Janet M. Williams
Executive Director
Ohio Manufactured Homes Commission

Dan Rolfes
Chair
Ohio Manufactured Homes Commission

Ohio Manufactured Homes Commission
October 15, 2014
10:00 AM
5100 Parkcenter Avenue, Suite 103
Dublin, Ohio 43017

Members Present

Evan J. Atkinson, Vice Chair
Jim Demitrus
Regina Hanshaw
Emory Helmuth
Tim Apel
Rodney Hemming

Commission Staff

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

Legal Counsel

Lydia Arko, AAG

Members Absent

Dan Rolfes
Tom Rehrig

Guests

Warren Connolly, OCIB
Andrea Reichman, OMHA
Frank Pojman, AMHRO

Call to Order

The meeting was called to order at 10:10 AM by Vice Chair, Evan Atkinson.

Roll Call

All Commissioners were present with the exception of Dan Rolfes and Tom Rehrig.

Approval of the Minutes

Evan Atkinson asked for a motion to approve the minutes from the June 18, 2014 meeting

Action: A motion was made by Regina Hanshaw to approve the minutes from the August 20, 2014 meeting. The motion was seconded by Jim Demitrus. The motion passed unanimously.

Public Comment

None

Executive Director's Report

Executive Director, Janet Williams presented a list of nine (9) applicants for salesperson licenses that met the requirements for a salesperson's license. Evan Atkinson stated that the Commission needed to keep an eye on the increase of sales license applications. An influx in license requests will generally pre-empt an influx in sales which will translate into more permits for installations being issued. The Commission needs to be prepared to handle the increase in work flow. Mr. Atkinson also asked for a comparison of how many sales people were licensed this time last year versus this year. This information will be given at the next meeting.

Action: A motion was made by Jim Demitrus and seconded by Emory Helmuth to approve the nine (9) salesperson applicants, listed on the ratification list. The motion passed unanimously.

Executive Director, Janet Williams presented a list of one (1) applicant for a dealer license that met the requirements for a dealer's license.

Action: A motion was made by Jim Demitrus and seconded by Regina Hanshaw to approve the one (1) dealer applicant, listed on the ratification list. The motion passed unanimously.

Executive Director, Janet Williams presented a list of one (1) applicant for a building department that met the requirements for a building department's license.

Action: A motion was made by Jim Demitrus and seconded by Emory Helmuth to approve the one (1) applicant for building department's license listed on the ratification list. The motion passed unanimously.

Inspectors Report

Gary Whitaker gave the Inspectors Report update since the last meeting. He explained the numbers did not reflect accurately at this time with the departure of the Jared Rose last month. He was not able to get an update from Mr. Rose before his departure. The report will be updated accurately by next meeting along with a chart showing the complaints this year vs last year.

Jim Demitrus expressed his concern over water quality in some communities throughout the state and his desire for the Commission to step in and do more in regards to licensing the communities who do not have good quality water for the residents. Janet Williams stated that the Commission may only regulate Chapter 4781 of the Ohio Revised Code. Water quality was regulated by the EPA. The Commission can work with the EPA if there is a park operator who is failing to abide by EPA orders but the Commission does not have the authority to violate a park who is in violation with the EPA. Only the EPA would be able to do that.

Budget Report

Executive Director Janet Williams presented the update on the budget as of the current date. A column had been added to compare FY 13 to 14 as well as the current FY. Ms. Williams also explained that each fund is mandated what can and cannot be spent out of the account. This needs to be kept in mind when discussing lowering fees. The majority of the revenue that is in surplus is from the 5MC0 fund. Therefore any fee reduction for any charges other than park operating licensee will not have an impact on that surplus. Tim Apel expressed his desire to lower fees sooner than later. He expressed there was no point in continuing to build a surplus that the Commission would not be able to use to administer the program if it was above our appropriation. Regina Hanshaw suggested that the Commission wait until the end of FY 15 to give more time to run the newly acquired park programs to confirm what expenses may be. Then do research on how much impact lower fees will have and then revisit at that time.

Muskingum County Sink Hole Event

Evan Atkinson presented the Commission with an update to the sink hole event in Muskingum County. Janet Williams, Evan Atkinson and Gary Whitaker had a phone conference with the Governor's office in regards to updates on the project and the ability of the Commission to waive the fees for inspections and fees. Mr. Atkinson felt the major issue was coming down to who is going to fund this project. The Mine and Aggregate Association has been very active in helping resolve problems. The land has been donated by a private company, and the cost of the infrastructure such as driveways etc. have been finalized. The final major cost to work out is who is going to pay for the housing itself. It appears Community Housing will be funding the homes but they are waiting for confirmation. Everyone's goal is to have the families in the new homes by the end of the year. The families are currently being housed in rental homes.

During the phone conference with the Governor's office, the Governor's legal team stated they felt that the Commission does have the ability to waive the fees. Evan Atkinson told the Governor's office that was not the advice the Commission was given by the AG's office. Lydia Arko, AAG, stated that she spoke to Governor's office as well after Mr. Atkinson's phone conference and shared with them the opinion of the AG's office on waiving of the fees. Regina Hanshaw felt that as the Commission it was still at their discretion to make the decision. She felt that they had the ability to ask for an opinion from the AG's office and then they would take that opinion and the opinion of the Governor's legal team and then make a decision.

Evan Atkinson stated once the money is appropriated and the funds are available a decision will need to be made quickly. The approval could come at any time. The total cost of the project is estimated to be around \$175,000.

Action: Regina Hanshaw made a motion to authorize the Executive Director to coordinate with the Governor's office to development a package as she sees fit for fees or potential waiver of fees and any other assistance the Commission can provide to aid in the Muskingum County sinkhole issue. Tim Apel seconded the motion. The motion passed unanimously.

Bulletin – Inspector / Investigator Job Opening

Executive Director Janet Williams discussed the recent bulletin that was sent out to all installers and inspection agencies in regards to a recent job opening at the Commission for an Inspector / Investigator. She explained that a notice was sent out to all licensed installers and inspectors with our agency in hopes of generating a pool of qualified candidates. She expressed her concern of posting the job as previously done in the past due to the amount of people that apply that are not qualified and the time it consumes weeded through the applications. Ms. Williams stated that we did receive several resumes from well qualified applicants and we will hopefully be filling the position soon.

Regina Hanshaw mentioned that the BBS is working to develop a course to enhance soft skills of inspectors throughout the state. The inspectors for manufactured home installations will be invited to attend and she will keep the Commission posted when that is completed.

Bulletin – Homeowner Agreement

Janet Williams announced the final draft of the Homeowner Agreement is complete and was sent out to all inspection agencies for them to beginning using immediately. This agreement is in conjunction with all other forms already giving to Homeowners as they are applying for permits through the inspection agencies. This agreement is only for homeowner's who will be completing a portion or the full installation of their home. If a licensed installer is doing 100% of the work, the agreement will not be needed.

Newsletter

Angel Legge asked to confirm the method of delivering the newsletter to the licensees. At this time the newsletters are being delivered via email to all licensees that the Commission has emails for. Any licensees that do not have valid emails will have the newsletters mailed to them. She wanted to confirm this method was to continue as it raises concerns that people are not truly looking at the newsletter because viewing it on a computer screen is different than reading a hardcopy in your hands. The cost to print a newsletter is \$1.20 and the cost to mail a newsletter is around \$0.40. Total cost to print and mail all the newsletters would be \$4258 quarterly. It was the general consensus that the newsletters will continue to be delivered via email and mailed to licensees who do not have an email listed.

4781-12-08(K)

A frequent question keeps coming into the Commission from park operators and residents in regards to the definition of an enclosed room addition on a manufactured home. What defines an enclosed room addition is important as it determines the setback requirements that must be met. If an addition is added to a home that is enclosed on three or more sides, it must meet the same setbacks as the home whereas if an addition is added to a home that is open on at least two sides such as a deck it must meet the same setbacks as a freestanding auxiliary building. The question comes up surrounding the use of screen if someone builds a deck with a roof on it. If screen is used on the perimeter of the deck up to the roof, is that considered enclosed?

After discussion the Commission states that the use of screen only on a porch, deck, or other addition would not be considered enclosed.

Engineered Drawings

Gary Whitaker presented an update on the status of refreshing the drawings available to installers to use when building foundations for home installations. He informed the Commission that he has recently met with Tim Decker, Architect and explained to him what we are seeking. Mr. Decker comes with years of experience in designing plans for manufactured homes and the foundations for those sets. Mr. Whitaker wanted to confirm with the Commissioners which drawings they would like to see revisited and completed. Evan Atkinson confirmed that the drawings needed are for the following foundation types; ABS, Concrete Slab, Pier, Runners / Crossrunners, Pier / Wall Foundation, Transverse I-Beam Foundation, Transverse I-Beam Basement.

Mr. Decker will provide a quote to Janet Williams and once accepted the drawings will begin. Ms. Williams asked for another motion to authorize funds for the project.

Action: Jim Demitrus made a motion which was seconded by Rodney Hemming to reconfirm the previous motion made and accepted to allow up to \$10,000 for engineering / architect drawings as needed.

Vacant Board Seats

Janet Williams announced that the December meeting will be Evan Atkinson and Jim Demitrus's final board meeting in their current roles as they have both will term out. The OMHA, as their role dictates, has already submitted to Congress the replacement for the OMHA member seat. The Resident seat held by Mr. Demitrus is appointed by the Governor's office. Ms. Williams asked the current board members if they have any one in mind to fill that seat to please submit the names to her as soon as possible so she can begin preparing those submissions. Mr. Atkinson and Mr. Demitrus do have the option of remaining in their current role for up to 90 days after their term has expired if the reappointment has not been completed prior to their departure.

CE Class

The final CE Class for 2014 will be held on October 29, 2014. As of today the class is 100% full.

Park Renewal Report

The renewal cycle for Communities has begun. The 1600 park renewal applications were mailed out on October 10, 2014 and some communities have already begun to return them to our office for processing.

Inspections in Communities Report

The deadline to complete the annual park inspections has passed. For the most part, all inspections have been completed with the exception of a few. We have been in touch with the agencies that have outstanding agencies and we anticipate them being sent to our office by the end of the month.

Award

Janet Williams shared with the Board an award that the Commission received from Governor Kasich on September 24, 2014. The Commission was presented the award for its participation in the minority business enterprise. The state government has set a goal for each agency to reach a minimum of 15% use of minority business in the State of Ohio. The state government feels that in order for Ohio's economic recovery to continue, it's going to take all Ohioans working together. When minority owned businesses secure a state contract, it helps with the state's economy as well as the employment rate in the minority community. The Commission far exceeded the 15% goal by reaching 43.45% use of a minority business.

Revised FY 2015 Meeting Dates

Janet Williams presented the revised schedule of meetings for FY 2015. Meetings have been projected to occur every other month starting in October of 2014.

New Business

Janet Williams asked for clarification of rule 4781-12-11(C)(2). The rule states that "*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*" Ms. Williams asked for confirmation that if a park has any changes to those lines, it does not have to be done to today's code which is not less than three-quarters inch in diameter. The board confirmed that is correct, if the park was built prior to June 1, 1979 any water line replacement may be done using not less than one-half inch in diameter lines.

Evan Atkinson stated that he is continuing to run into problems with jurisdictional issues between local government and the OMHC in regards to processes performed during manufactured home installations. In several townships, villages and other areas, the local water department is refusing to turn on water service to the home unless a backflow preventer is installed on the water lines and the appropriate inspection of the backflow preventer is complete. Some water departments are going as far as to state that a thermal water expansion tank must be installed as well. Installing a thermal water expansion tank on a HUD home is against HUD building code and therefore takes the home out of HUD compliance. The response that installers have received from local townships and villages is not a satisfactory response for the installers to void the HUD warranty on that home. Mr. Atkinson would like clarification as to if the local governments and utility companies have the jurisdiction to mandate backflow preventer's on private water supplies and thermal water expansion tanks on homes. Regina Hanshaw stated that backflow prevention is something that is mandating by other agencies at the state level and they may in fact supersede our jurisdiction. She is not certain on the private water supply issue though. She will speak to Jack Summer who oversees the Plumbing and Backflow Prevention area of the Department of Industrial Compliance and get his view on

the matter and let Mr. Atkinson know. Ms. Hanshaw also suggests reaching out to the ODH and obtain their code on backflow prevention as well.

Gary Whitaker asked for clarification of rule 4781-12-08.2. As parks are getting older the Commission has been receiving more phone calls in regards to foundations failing under homes that were placed greater than 20 years ago. The current situation he is working on involves a multi-section home placed on a lot greater than 20 years ago where the homeowner is stating the foundation is failing and causing damage to her home. Mr. Whitaker contacted the park operator as per 4781-12-08.2 which states 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. The park operator feels that he has done everything he is responsible to do but the homeowner does not agree. Mr. Whitaker has not seen the foundation or inspected the problem at this time. He is asking for the Commission's interpretation of the law before he proceeds with the issue.

After discussion of ownership and responsibility of the blocking, tie downs and other aspects of the installation versus the foundation of the home such as the concrete or piers, Jim Demitrus stated he would go to the home site and inspect the foundation and set and then follow up with Mr. Whitaker in regards to the complaint made by the homeowner.

Adjournment:

Action: A motion was made by Regina Hanshaw and seconded by Jim Demitrus at 2:20 pm to adjourn. The motion passed unanimously.

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

Janet M. Williams
Executive Director
Ohio Manufactured Homes Commission

Dan Rolfes
Chair
Ohio Manufactured Homes Commission

Ohio Manufactured Homes Commission
December 17, 2014
10:00 AM
5100 Parkcenter Avenue, Suite 103
Dublin, Ohio 43017

Members Present

Dan Rolfes, Chair
Evan J. Atkinson, Vice Chair
Jim Demitrus
Regina Hanshaw
Emory Helmuth
Tim Apel
Rodney Hemming

Members Absent

Tom Rehrig

Commission Staff

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

Legal Counsel

Lydia Arko, AAG

Guests

Warren Connolly, OCIB
Andrea Reichman, OMHA
Frank Pojman, AMHRO
Carl Lamping, Clermont County Building Dept
Steve Regoli, Ohio BBS

Call to Order

The meeting was called to order at 10:10 AM by Chair, Dan Rolfes.

Roll Call

All Commissioners were present with the exception of Tom Rehrig.

Approval of the Minutes

Dan Rolfes asked for a motion to approve the minutes from the October 15, 2014 meeting

Action: A motion was made by Regina Hanshaw to approve the minutes from the October 15, 2014 meeting. The motion was seconded by Tim Apel. The motion passed unanimously.

Public Comment

Warren Connolly stated that there are no provisions in the law for putting licenses in escrow if a licensee needs to put their license on hold. He stated that a former employee of a building department contacted him and said

that he no longer worked for the building department but would like to have the ability to reinstate his inspector certification if he returns. He asked Mr. Connolly if that was possible.

Janet Williams explained to Mr. Connolly that in fact that was a possibility and they have done that procedure in the past. It is not classified as “escrow” but it functions the same way. Ms. Williams explained to Mr. Connolly that he needed to instruct the licensee in call our office with his questions and we will be able to assist him.

Regina Hanshaw stated that the Commission may want to look into possibly adding the status of “escrow” so that if any requirements change, the licenses that are in escrow would not be effected. Ms. Williams stated she would look into the matter.

Executive Director’s Report

Executive Director Janet Williams introduced the newest staff member of the Commission. Terry Swackhammer has joined the team as an Inspector/Investigator. He will be assuming the duties of that position for the western side of the state. Terry comes to the agency with 16 years in the industry and has been a licensed installer since the inception of the licensing requirements. A bulletin was sent out to the all the licensees alerting them to the new staff members along with contact information.

Executive Director, Janet Williams presented a list of eight (8) applicants for salesperson licenses that met the requirements for a salesperson’s license. Tim Apel stated that two of the applicants were employees of a family member’s dealership. He did not have any financial claim to the dealership but felt it would be best to exclude himself from their ratification.

Action: A motion was made by Regina Hanshaw and seconded by Jim Demitrus to approve the six (6) salesperson applicants not employed by Crown Communities listed on the ratification list. The motion passed unanimously.

Action: A motion was made by Regina Hanshaw and seconded by Jim Demitrus to approve the remaining two (2) applicants on the salesperson ratification list. The motion passed unanimously with Tim Apel abstaining from the vote.

Executive Director, Janet Williams presented a list of five (5) applicants for a dealer license that met the requirements for a dealer’s license.

Action: A motion was made by Jim Demitrus and seconded by Emory Helmuth to approve the five (5) dealer applicants listed on the ratification list pending the inspection and finger printing results. The motion passed unanimously.

Executive Director, Janet Williams presented a list of one (1) applicant for an inspector license that met the requirements for an inspector’s license.

Action: A motion was made by Jim Demitrus and seconded by Emory Helmuth to approve the one (1) applicant for an inspector’s license listed on the ratification list. The motion passed unanimously.

Electrical Issues with Clermont County

Executive Director Janet Williams notified the board that over the past few weeks there has been several issues arise in regards to electrical inspections relating to installations. The initial concerns started in Clermont County but has since risen in Lucas County as well. The Commission was notified by a TPA that the electric utility

company that services Clermont County was no longer accepting inspections by any agency other than the Clermont County Building Department. Several phone conferences were held with Duke Energy Utility Company, Carl Lamping Clermont County Chief Building Official, Regina Hanshaw and Steve Regoli BBS, and Commission staff Janet Williams, Gary Whitaker and Angel Legge in regards to where the line of jurisdiction duties lies and what Clermont County Building Dept is authorized to inspect and what the OMHC certified inspectors are allowed to inspect. Through the conversations and discussions the matter was clarified for all parties and reflects the law as currently written. In an area that is serviced by a certified building department, all electrical inspections from the utility service location to the pedestal including the meter base will be inspected by the certified building department. From the disconnect on the load side exiting the meter to the home including interior electrical will be inspected by an ESI who is employed by or contracted with a certified OMHC Inspection Agency. For a reconnect of service that has already been established at some point in time, the jurisdiction of the inspection will be determined by the utility supply company. If the utility supply company is only requesting from the disconnect on the load side including the home, that falls under the jurisdiction of the OMHC. If the certified building department is certified by the OMHC, the building department may perform that inspection; otherwise the inspection will be performed by and ESI who is employed or contracted with a certified OMHC Inspection Agency. If the utility company is requesting an inspection of the meter socket as well for a reconnect, that inspection will be done by the certified building department. Therefore the inspections must be done in coordination with each agency.

Steve Regoli and Regina Hanshaw expressed that this issue comes up frequent enough that the Board of Building Standards would be supportive if the Commission would be willing to take on the task of complete regulatory matters within a manufactured home community to eliminate the confusion and misunderstandings of the jurisdictional authority. Janet Williams expressed that taking on that function of regulation would be astronomical in proportion to the staff that the Commission has. It would require licensing and educating individuals to perform duties well beyond knowledge and experience of the Commission. Ms. Williams feels this is not something the Commission is ready to take on at this time but the matter would be considered in the future.

After a lengthy discussion Dan Rolfes stated that the Commission will research all the Tariffs for the electric utility suppliers in the State of Ohio and work to amend the Tariffs to reflect the jurisdictional authority of the OMHC as well as prepare law and rule changes to be presented to legislation. The BBS and the OMHC will work together to prepare the laws and rules as well as draft a collaborative letter to be sent to all LBD's, electric supply companies, TPA's, installers, LHD's, OMHC inspectors and park operators clarifying the authority having jurisdiction in certain conditions.

Budget Report

Executive Director Janet Williams presented the update on the budget as of the current date. Revenue for the 5MC fund is \$408,665 and revenue for the 4K9 fund is \$178,646. Expenses are \$284,006 and \$139,953 respectively. Ms. Williams conducted a study of seals purchased in FY13 and FY 14 versus the number of seals as of today in FY15. By this date in December of FY13, (December 2012) 1297 had been purchased. By the end of FY13 (June 30, 2013) 2538 seals were purchased. By this date in December of FY14 (December 2013) 1202 seals had been purchased for a total of 2118 by the end of FY14 (June 30, 2014). As of today, 1381 seals have been purchased which would make the projection for end of FY15 at 2460. If this projection holds true, it would be a 14% increase in seals sold compared to last year. Evan Atkinson stated that the Commission needs to keep an eye on the seal report in order to judge staff needs of the Commission and be prepared with enough staff. Dan Rolfes stated he would like to see a report of seals purchased for sets in parks vs private and new vs used since the beginning of the program.

Muskingum County Sink Hole Event

Evan Atkinson presented the Commission with an update to the sink hole event in Muskingum County. He stated that the project was moving along well. 3 of the 5 homes have been delivered and installed by Williamsburg Square. Gary Whitaker will be performing the inspections of the installations on Friday. For reasons unknown by Mr. Atkinson, the 4th home was purchased from the Family Home Center so he is not aware of the status of that home or installation as it is not his dealership or deal. He did state that the homeowner called him asking about the procedure to get the free inspections done on the installation. Mr. Atkinson stated to the homeowner that the inspections were not free. For the homes that were sold by Williamsburg Square, those inspections were being paid for by Williamsburg Square. If this homeowner was looking to have the inspections paid for as well, the homeowner would need to discuss that with the dealer that sold the home. Once the site is ready for the 5th and finally home which is coming from Williamsburg Square the project will be nearing completion.

Inspectors Report

Gary Whitaker presented the update on the Inspectors Report. Mr. Whitaker stated that the number of complaints were down for 2014 compared to 2013. He credits this to our role in communities now and operators understanding of correcting the issues. Jim Demitrus stated he feels that the Commission needs to make homeowners aware of the need for heat tape. He also feels that shut off valves need to be moved closer to the homes. Evan Atkinson stated that in newer homes the shut off valves are actually located inside the home.

Consensus Committee Report

Jim Demitrus attended the Manufactured Housing Census Committee in Washington DC this month. During the two day conference several hot topic items were discussed including RV's and their use, energy saving education by the Department of Energy for manufactured home buyers and add-ons at the factory.

The Department of Energy gave a briefing on the energy standards that are currently being proposed. Mr. Demitrus stated that part of the discussion was requiring homes to be wrapped with TyWrap.

Mr. Demitrus stated that the industry is concerned with the increased size of RV's and wants to ensure that RV's are used for their intended propose and not as permanent housing.

Factory "add-ons" were discussed in regards to factories not wanting to be liable for "add-ons" therefore they will not build them in the factory. They must be built on-site.

Evan Atkinson asked if the consensus committee was ok with the HUD label increase from \$39 per floor to \$100 per floor as this was a substantial increase in cost. Mr. Demitrus stated it was not discussed.

Local Health Districts – MOUS's for 2015

Janet Williams, Executive Director, stated that the 2015 went out to the LHD's for the 2015 annual inspection process. Jefferson County Health Department who also performs all the inspections for Harrison County has dropped out of the program.

Newsletter

Janet Williams stated that the newsletter was completed and had gone out to all licensees. She discussed an email that was then sent out as a follow up to all clarifying statements made in regards to SAFE Act. When the

newsletters went out, Andrea Reichman with the OMHA contacted legal counsel for the OMHA with concerns stating the article was contradictory and confusing. Legal counsel contacted our office and expressed Mrs. Reichman's concerns and asked that an email be sent to all clarifying the article.

Public Records

Janet Williams discussed the increase in requests for public records and namely the volume of records requesting per request. The Commission needs to develop a records request policy in regards to cost and Ms. Williams is requesting an amount from the board as to how much they want to charge. Several board members stated they did not have an opinion one way or another and that the Board is requesting that Ms. Williams set the fee, draft the policy and then present it to the board for approval or denial of the amount.

Ohio Emergency Management Agency – Safe Rooms

Janet Williams discussed a recent meeting with Steve Ferryman, Chief of the Mitigation branch. Discussed at the meeting were grants and programs available for park operators to obtain Safe Rooms design to withstand EF3 and greater tornados in their communities. Mr. Ferryman is asking our agency to aid in the effort to get the material out to park owners about the program and to also aid in marketing and materials designed for educational purposes of the program. A follow up meeting will be scheduled for some time in January.

Approval – Travel -Louisville Show/MHI, National Congress

Janet Williams is seeking approval from the Board for staff members Terry Swackhammer, Angel Legge, Gary Whitaker and herself to attend the annual Louisville Home Show in Kentucky on January 21, 2015 thru January 22, 2015. Ms. Williams is also seeking approval for herself to attend the MHI National Congress in Las Vegas April 13 – 17, 2015. Ms. Williams discussed the fact that she is now being required by CSA to seek approval by the board prior to traveling anywhere. She stated blanket approval for in-state travel had been given in the past, but would like it approved again. Regina Hanshaw stated that she could approve Ms. Williams travel authorizations in OAKS as a board member and direct supervise Ms. Williams.

Action: A motion was made by Evan Atkinson and seconded by Jim Demitrus to approve Gary Whitaker, Terry, Swackhammer, Angel Legge and Janet Williams attending the Louisville Home Show in Kentucky January 21- 22, 2015. The motion passed unanimously.

Action: A motion was made by Evan Atkinson and seconded by Jim Demitrus to approve Janet Williams attending the MHI National Congress in Las Vegas NV April 13-17, 2015. The motion passed unanimously.

Action: A motion was made by Evan Atkinson and seconded by Jim Demitrus to direct CSA to name Regina Hanshaw as supervisor of Janet Williams in place of Regina Schneiderer to approve all travel authorizations through OAKS and also to grant a blanket approval for all travel within the state. The motion was passed unanimously.

Attorney General Meeting

Janet Williams advised the Board of a recent meeting that was held at the Office of the Attorney General. Present at that meeting was herself, Angel Legge, Lydia Arko, Susan Walker, Section Chief and one other AG staff member. The meeting was requested by Susan Walker due to confusion on Ms. Williams's part as to what the AG's office is responsible for performing at the direction of the Commission. The roles and work that the AAG performed for the Commission for the past 10 years had changed drastically over the past several months and Ms. Williams sent an email to the AAG assigned to our agency asking for clarification on what exactly the AG's office does for our Commission and what we need to seek counsel for elsewhere. During the meeting, Ms.

Walker stated that the only services that the AG's office provides to the Commission is ensuring that all Sunshine Laws are followed during the monthly board meetings and provided legal counsel to the Commission for litigation purposes only. Ms. Williams stated to Ms. Walker that was a complete change from everything the AG's office has provided for the past 10 years. Ms. Walker would not acknowledge any services that were provided to the Commission from the AG's office other than the two mentioned. Ms. Walker further stated that Ms. Williams needed to understand that the Commission was the client, not Ms. Williams. Therefore, Ms. Williams is only to contact the AAG under the direction of the Board members. Ms. Williams is not at liberty to request counsel or aid in a matter without bringing it to the board first and obtaining direction from them to present it to the AG's office. Ms. Williams attempted to explain her role as the Director of the Commission and the powers that have been delegated to her by the Commissioners as that is the authority that grants her the ability to contact the AG's office but Ms. Walker disagreed. Commissioner Tim Apel asked Lydia Arko, AAG to confirm that does it have to be a board member only thing that seeks out the AG's office for matters or could it be a staff member. Ms. Arko stated that she was uncomfortable discussing these issues in an open meeting. Regina Hanshaw stated that the BBS rarely uses their AAG as they are very aware of the Sunshine laws and do not have many litigation issues. The BBS has in-house legal counsel that assists them on all legal matters, policies, and any other issues that may come up that the BBS would like legal advice on. Ms. Hanshaw suggested that the Commission look into getting in-house or outside legal counsel to assist the Commission in any matters not pertaining to open meetings or litigation. Ms. Williams stated that the Commission must go through the AG's office and request and be approved the ability to seek outside legal counsel for any reason. She further stated that every time this was needed it would have to be approved by the AG's office first. There was not the ability to get a blanket approval to have legal representation for anything not covered by the AG's office. Mrs. Hanshaw stated that it doesn't make sense that the AG would need to approve for the Commission to seek counsel for something that the AG's office does not provide service for. Ms. Hanshaw stated that Ms. Williams needed to obtain the information that shows where it is required that the AG's office give consent before outside legal counsel can be sought.

Action: A motion was made by Regina Hanshaw and seconded by Evan Atkinson to approve funds up to \$10,000 to seek outside legal counsel when necessary to conduct Commission business. Motion passed unanimously.

Engineered Drawings

Janet Williams presented the drawings requested at previous meetings to the Board members for comments and feedback. Evan Atkinson stated that it is not quite what he had in mind. He would like to see more information on one page and remove some of the details as they are not needed to explain what he had in mind. Emory Helmuth stated there were inaccuracies on the drawings as well as too much to read. Mr. Helmuth stated that he would like to be present at the next meeting between the Commission staff and the Architect. Gary Whitaker stated he would set the meeting up and contact Mr. Helmuth with date and time.

Vacant Board Seats

As discussed at the previous meeting, this meeting is the last meeting for Evan Atkinson and Jim Demitrus in their current roles with the Commission. The Senate has approved the reappointment of Tom Rehrig for Manufacturer Representative. The House has approved appointment for Ron Younkin as OMHA Representative to replace Evan Atkinson. Frank Pojman has expressed his desire to be appointed to replace Jim Demitrus. Ms. Williams gave Mr. Pojman the information to apply for the open seat. Ms. Williams also informed the board of a potential candidate for the Health Dept. Representative. Wyatt Simons with Erie County Health Department is interested in the open seat. Mr. Simons is a Registered Sanitarian with Erie County Health Department as well as a Certified Inspector through our agency for installation inspections and the President of the Ohio Plumbers Association. The Board expressed the great asset it would be to have someone with his credentials on the

Commission. Ms. Williams will contact Mr. Simons and instruct him on the next step to apply for the vacant seat.

CE Class

The final CE Class for 2014 was held on October 29, 2014. There were about 80 licensees in attendance. Evan Atkinson stated that he was present for the class and he felt it went well. He was only questioning one item and that is something Rick Binder had stated. Gary Whitaker got the information on the question and stated he would contact Rick Binder and clarify the response.

Park Renewal Report

The final month to renew a community operator license is this month. At this time, 949 licenses have been issued, 21 applications are pending for various reasons and 627 are still outstanding. If the application and payment is not postmarked by December 31, 2014 a 25% penalty will be assessed.

Versa Update

Janet Williams presented the Board with an update on the conversion from the current licensing database to the new one. There has been many problems along the way in regards to the conversion and the state has decided at this time they are going to put a hold on the program and look for alternative programs. As of today, \$1,200,000.00 has been spent on converting to the new system.

Certificates Awarded to Evan Atkinson and Jim Demitrus

Janet Williams presented both Evan Atkinson and Jim Demitrus with certificates of achievement and recognition for the many years they have both spent for the betterment of the Commission, the Industry and the residents of Ohio. They will both be missed greatly.

Action: A motion was made by Rodney Hemming to move into Executive Session under ORC 121.022(G)(3) to discuss pending or imminent litigation. The motion was seconded by Jim Demitrus. Roll call: Evan Atkinson Yes, Jim Demitrus Yes, Regina Hanshaw Yes, Emory Helmuth Yes, Tim Apel Yes, and Rodney Hemming Yes.

Entered Executive Session at 2:20pm.

At 3:00pm the Commission came out of Executive Session.

Action: A motion was made by Tim Apel and seconded by Jim Demitrus to pursue litigation against EF Walton Dun Rolin Trailer Park under the authority of the Ohio Revised Code 4781.12 for compliance with all the statues of administration and revised codes. Motion passed unanimously.

Action: A motion was made by Tim Apel and seconded by Jim Demitrus to pursue litigation against DK Mobile Home Park under the authority of the Ohio Revised Code 4781.12 for compliance with all the statues of administration and revised codes. Motion passed unanimously.

Action: A motion was made by Tim Apel and seconded by Jim Demitrus to pursue litigation against Haley's Haven under the authority of the Ohio Revised Code 4781.12 for compliance with all the statues of administration and revised codes. Motion passed unanimously.

Action: A motion was made by Tim Apel and seconded by Jim Demitrus to pursue litigation against K-G Trailer Park under the authority of the Ohio Revised Code 4781.12 for compliance with all the statues of administration and revised codes. Motion passed unanimously.

Adjournment:

Action: A motion was made by Regina Hanshaw and seconded by Rodney Hemming at 3:10pm to adjourn. The motion passed unanimously.

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

Janet M. Williams
Executive Director
Ohio Manufactured Homes Commission

Dan Rolfes
Chair
Ohio Manufactured Homes Commission