

**As Introduced**

**125th General Assembly  
Regular Session  
2003-2004**

**S. B. No. 102**

**Senators Wachtmann, Jacobson**

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**A B I L L**

To amend sections 119.12, 3733.02, 3781.06, and 1  
4743.05 and to enact sections 4781.01, 4781.02, 2  
4781.03, 4781.04, 4781.05, 4781.06, 4781.07, 3  
4781.08, 4781.09, 4781.10, 4781.11, 4781.12, 4  
4781.13, and 4781.14 of the Revised Code to 5  
establish the Ohio Manufactured Homes Commission 6  
to regulate the installation of manufactured 7  
housing in Ohio. 8

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 119.12, 3733.02, 3781.06, and 9  
4743.05 be amended and sections 4781.01, 4781.02, 4781.03, 10  
4781.04, 4781.05, 4781.06, 4781.07, 4781.08, 4781.09, 4781.10, 11  
4781.11, 4781.12, 4781.13, and 4781.14 of the Revised Code be 12  
enacted to read as follows: 13

**Sec. 119.12.** Any party adversely affected by any order of an 14  
agency issued pursuant to an adjudication denying an applicant 15  
admission to an examination, or denying the issuance or renewal of 16  
a license or registration of a licensee, or revoking or suspending 17  
a license, or allowing the payment of a forfeiture under section 18  
4301.252 of the Revised Code, may appeal from the order of the 19  
agency to the court of common pleas of the county in which the 20

place of business of the licensee is located or the county in 21  
which the licensee is a resident, except that appeals from 22  
decisions of the liquor control commission, the state medical 23  
board, state chiropractic board, manufactured homes commission, 24  
and board of nursing shall be to the court of common pleas of 25  
Franklin county. If any such party is not a resident of and has no 26  
place of business in this state, the party may appeal to the court 27  
of common pleas of Franklin county. 28

Any party adversely affected by any order of an agency issued 29  
pursuant to any other adjudication may appeal to the court of 30  
common pleas of Franklin county, except that appeals from orders 31  
of the fire marshal issued under Chapter 3737. of the Revised Code 32  
may be to the court of common pleas of the county in which the 33  
building of the aggrieved person is located. 34

This section does not apply to appeals from the department of 35  
taxation. 36

Any party desiring to appeal shall file a notice of appeal 37  
with the agency setting forth the order appealed from and the 38  
grounds of the party's appeal. A copy of such notice of appeal 39  
shall also be filed by the appellant with the court. Unless 40  
otherwise provided by law relating to a particular agency, such 41  
notices of appeal shall be filed within fifteen days after the 42  
mailing of the notice of the agency's order as provided in this 43  
section. For purposes of this paragraph, an order includes a 44  
determination appealed pursuant to division (C) of section 119.092 45  
of the Revised Code. 46

The filing of a notice of appeal shall not automatically 47  
operate as a suspension of the order of an agency. If it appears 48  
to the court that an unusual hardship to the appellant will result 49  
from the execution of the agency's order pending determination of 50  
the appeal, the court may grant a suspension and fix its terms. If 51

an appeal is taken from the judgment of the court and the court 52  
has previously granted a suspension of the agency's order as 53  
provided in this section, such suspension of the agency's order 54  
shall not be vacated and shall be given full force and effect 55  
until the matter is finally adjudicated. No renewal of a license 56  
or permit shall be denied by reason of such suspended order during 57  
the period of the appeal from the decision of the court of common 58  
pleas. In the case of an appeal from the state medical board or 59  
state chiropractic board, the court may grant a suspension and fix 60  
its terms if it appears to the court that an unusual hardship to 61  
the appellant will result from the execution of the agency's order 62  
pending determination of the appeal and the health, safety, and 63  
welfare of the public will not be threatened by suspension of the 64  
order. This provision shall not be construed to limit the factors 65  
the court may consider in determining whether to suspend an order 66  
of any other agency pending determination of an appeal. 67

The final order of adjudication may apply to any renewal of a 68  
license or permit which has been granted during the period of the 69  
appeal. 70

Notwithstanding any other provision of this section, any 71  
order issued by a court of common pleas or a court of appeals 72  
suspending the effect of an order of the liquor control commission 73  
issued pursuant to Chapter 4301. or 4303. of the Revised Code that 74  
suspends, revokes, or cancels a permit issued under Chapter 4303. 75  
of the Revised Code, or that allows the payment of a forfeiture 76  
under section 4301.252 of the Revised Code, shall terminate not 77  
more than six months after the date of the filing of the record of 78  
the liquor control commission with the clerk of the court of 79  
common pleas and shall not be extended. The court of common pleas, 80  
or the court of appeals on appeal, shall render a judgment in that 81  
matter within six months after the date of the filing of the 82  
record of the liquor control commission with the clerk of the 83

court of common pleas. A court of appeals shall not issue an order 84  
suspending the effect of an order of the liquor control commission 85  
that extends beyond six months after the date on which the record 86  
of the liquor control commission is filed with a court of common 87  
pleas. 88

Notwithstanding any other provision of this section, any 89  
order issued by a court of common pleas suspending the effect of 90  
an order of the state medical board or state chiropractic board 91  
that limits, revokes, suspends, places on probation, or refuses to 92  
register or reinstate a certificate issued by the board or 93  
reprimands the holder of such a certificate shall terminate not 94  
more than fifteen months after the date of the filing of a notice 95  
of appeal in the court of common pleas, or upon the rendering of a 96  
final decision or order in the appeal by the court of common 97  
pleas, whichever occurs first. 98

Within thirty days after receipt of a notice of appeal from 99  
an order in any case in which a hearing is required by sections 100  
119.01 to 119.13 of the Revised Code, the agency shall prepare and 101  
certify to the court a complete record of the proceedings in the 102  
case. Failure of the agency to comply within the time allowed, 103  
upon motion, shall cause the court to enter a finding in favor of 104  
the party adversely affected. Additional time, however, may be 105  
granted by the court, not to exceed thirty days, when it is shown 106  
that the agency has made substantial effort to comply. Such record 107  
shall be prepared and transcribed and the expense of it shall be 108  
taxed as a part of the costs on the appeal. The appellant shall 109  
provide security for costs satisfactory to the court of common 110  
pleas. Upon demand by any interested party, the agency shall 111  
furnish at the cost of the party requesting it a copy of the 112  
stenographic report of testimony offered and evidence submitted at 113  
any hearing and a copy of the complete record. 114

Notwithstanding any other provision of this section, any 115

party desiring to appeal an order or decision of the state 116  
personnel board of review shall, at the time of filing a notice of 117  
appeal with the board, provide a security deposit in an amount and 118  
manner prescribed in rules that the board shall adopt in 119  
accordance with this chapter. In addition, the board is not 120  
required to prepare or transcribe the record of any of its 121  
proceedings unless the appellant has provided the deposit 122  
described above. The failure of the board to prepare or transcribe 123  
a record for an appellant who has not provided a security deposit 124  
shall not cause a court to enter a finding adverse to the board. 125

Unless otherwise provided by law, in the hearing of the 126  
appeal, the court is confined to the record as certified to it by 127  
the agency. Unless otherwise provided by law, the court may grant 128  
a request for the admission of additional evidence when satisfied 129  
that such additional evidence is newly discovered and could not 130  
with reasonable diligence have been ascertained prior to the 131  
hearing before the agency. 132

The court shall conduct a hearing on such appeal and shall 133  
give preference to all proceedings under sections 119.01 to 119.13 134  
of the Revised Code, over all other civil cases, irrespective of 135  
the position of the proceedings on the calendar of the court. An 136  
appeal from an order of the state medical board issued pursuant to 137  
division (G) of either section 4730.25 or 4731.22 of the Revised 138  
Code, or the state chiropractic board issued pursuant to section 139  
4734.37 of the Revised Code, or the liquor control commission 140  
issued pursuant to Chapter 4301. or 4303. of the Revised Code 141  
shall be set down for hearing at the earliest possible time and 142  
takes precedence over all other actions. The hearing in the court 143  
of common pleas shall proceed as in the trial of a civil action, 144  
and the court shall determine the rights of the parties in 145  
accordance with the laws applicable to such action. At such 146  
hearing, counsel may be heard on oral argument, briefs may be 147

submitted, and evidence introduced if the court has granted a 148  
request for the presentation of additional evidence. 149

The court may affirm the order of the agency complained of in 150  
the appeal if it finds, upon consideration of the entire record 151  
and such additional evidence as the court has admitted, that the 152  
order is supported by reliable, probative, and substantial 153  
evidence and is in accordance with law. In the absence of such a 154  
finding, it may reverse, vacate, or modify the order or make such 155  
other ruling as is supported by reliable, probative, and 156  
substantial evidence and is in accordance with law. The court 157  
shall award compensation for fees in accordance with section 158  
2335.39 of the Revised Code to a prevailing party, other than an 159  
agency, in an appeal filed pursuant to this section. 160

The judgment of the court shall be final and conclusive 161  
unless reversed, vacated, or modified on appeal. Such appeals may 162  
be taken either by the party or the agency, shall proceed as in 163  
the case of appeals in civil actions, and shall be pursuant to the 164  
Rules of Appellate Procedure and, to the extent not in conflict 165  
with those rules, Chapter 2505. of the Revised Code. Such appeal 166  
by the agency shall be taken on questions of law relating to the 167  
constitutionality, construction, or interpretation of statutes and 168  
rules of the agency, and in such appeal the court may also review 169  
and determine the correctness of the judgment of the court of 170  
common pleas that the order of the agency is not supported by any 171  
reliable, probative, and substantial evidence in the entire 172  
record. 173

The court shall certify its judgment to such agency or take 174  
such other action necessary to give its judgment effect. 175

**Sec. 3733.02.** (A)(1) The public health council, subject to 176  
Chapter 119. of the Revised Code, shall adopt, and has the 177  
exclusive power to adopt, rules of uniform application throughout 178

the state governing the review of plans, issuance of flood plain 179  
management permits, and issuance of licenses for manufactured home 180  
parks; the location, layout, density, construction, drainage, 181  
sanitation, safety, and operation of those parks; ~~blocking and~~ 182  
~~tiedowns of mobile and manufactured homes in those parks;~~ and 183  
notices of flood events concerning, and flood protection at, those 184  
parks. The rules pertaining to flood plain management shall be 185  
consistent with and not less stringent than the flood plain 186  
management criteria of the national flood insurance program 187  
adopted under the "National Flood Insurance Act of 1968," 82 Stat. 188  
572, 42 U.S.C.A. 4001, as amended. The rules shall not apply to 189  
the construction, erection, or manufacture of any building to 190  
which section 3781.06 of the Revised Code is applicable. 191

(2) The rules pertaining to manufactured home parks 192  
constructed after June 30, 1971, shall specify that each home must 193  
be placed on its lot to provide not less than fifteen feet between 194  
the side of one home and the side of another home, ten feet 195  
between the end of one home and the side of another home, and five 196  
feet between the ends of two homes placed end to end. 197

(B) The public health council, subject to Chapter 119. of the 198  
Revised Code, shall adopt rules of uniform application throughout 199  
the state governing the review of plans and issuance of licenses 200  
for and the location, layout, construction, drainage, sanitation, 201  
safety, and operation of recreational vehicle parks, recreation 202  
camps, and combined park-camps. The rules shall not apply to the 203  
construction, erection, or manufacture of any building to which 204  
section 3781.06 of the Revised Code is applicable. 205

(C) The public health council, subject to Chapter 119. of the 206  
Revised Code, shall adopt rules of uniform application throughout 207  
the state governing the review of plans and issuance of licenses 208  
for and the layout, sanitation, safety, and operation of temporary 209

park-camps. The rules shall not apply to the construction, 210  
erection, or manufacture of any building to which section 3781.06 211  
of the Revised Code is applicable. 212

(D) The public health council, in accordance with Chapter 213  
119. of the Revised Code, shall adopt rules of uniform application 214  
throughout the state establishing requirements and procedures in 215  
accordance with which the director of health may authorize 216  
licensors for the purposes of sections 3733.022 and 3733.025 of 217  
the Revised Code. The rules shall include at least provisions 218  
under which a licensor may enter into contracts for the purpose of 219  
fulfilling the licensor's responsibilities under either or both of 220  
those sections. 221

**Sec. 3781.06.** (A)(1) Any building that may be used as a place 222  
of resort, assembly, education, entertainment, lodging, dwelling, 223  
trade, manufacture, repair, storage, traffic, or occupancy by the 224  
public, and all other buildings or parts and appurtenances thereof 225  
erected within this state, shall be so constructed, erected, 226  
equipped, and maintained that they shall be safe and sanitary for 227  
their intended use and occupancy, except that sections 3781.06 to 228  
3781.18 and 3791.04 of the Revised Code shall be considered as 229  
model provisions with no force and effect when applied to 230  
single-family, two-family, and three-family dwelling houses, and 231  
accessory structures incidental to those dwelling houses, that 232  
have not been constructed or erected as industrialized one-family, 233  
two-family, or three-family units or structures within the meaning 234  
of the term "industrialized unit" as provided in division (C)(3) 235  
of this section, except where the context specifies mandatory 236  
applicability. 237

(2) Nothing in sections 3781.06 to 3781.18 and 3791.04 of the 238  
Revised Code shall be construed to limit the power of the public 239  
health council to adopt rules of uniform application governing 240



manufactured home parks pursuant to section 3733.02 of the Revised Code. 241  
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(B) Sections 3781.06 to 3781.18 and 3791.04 of the Revised Code shall not apply to either of the following: 243  
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(1) Buildings or structures that are incident to the use for agricultural purposes of the land on which such buildings or structures are located, provided such buildings or structures are not used in the business of retail trade. For purposes of this division, a building or structure is not considered used in the business of retail trade if fifty per cent or more of the gross income received from sales of products in the building or structure by the owner or operator is from sales of products produced or raised in a normal crop year on farms owned or operated by the seller. 245  
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(2) Existing single-family, two-family, and three-family detached dwelling houses for which applications have been submitted to the director of job and family services pursuant to section 5104.03 of the Revised Code for the purposes of operating type A family day-care homes as defined in section 5104.01 of the Revised Code. 255  
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(C) As used in sections 3781.06 to 3781.18 and 3791.04 of the Revised Code: 261  
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(1) "Agricultural purposes" include agriculture, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, ornamental horticulture, olericulture, pomiculture, and animal and poultry husbandry. 263  
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(2) "Building" means any structure consisting of foundations, walls, columns, girders, beams, floors, and roof, or a combination of any number of these parts, with or without other parts or appurtenances. 267  
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(3) "Industrialized unit" means a building unit or assembly 271

of closed construction fabricated in an off-site facility, that is 272  
substantially self-sufficient as a unit or as part of a greater 273  
structure, and that requires transportation to the site of 274  
intended use. "Industrialized unit" includes units installed on 275  
the site as independent units, as part of a group of units, or 276  
incorporated with standard construction methods to form a 277  
completed structural entity. "Industrialized unit" does not 278  
include a manufactured home as defined by division (C)(4) of this 279  
section or a mobile home as defined by division (O) of section 280  
4501.01 of the Revised Code. 281

(4) "Manufactured home" means a building unit or assembly of 282  
closed construction that is fabricated in an off-site facility and 283  
constructed in conformance with the federal construction and 284  
safety standards established by the secretary of housing and urban 285  
development pursuant to the "Manufactured Housing Construction and 286  
Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 287  
5403, and that has a permanent label or tag affixed to it, as 288  
specified in 42 U.S.C.A. 5415, certifying compliance with all 289  
applicable federal construction and safety standards. 290

(5) "Permanent foundation" means permanent masonry, concrete, 291  
or a ~~locally approved~~ footing or foundation approved by the 292  
manufactured homes commission pursuant to Chapter 4781. of the 293  
Revised Code, to which a manufactured or mobile home may be 294  
affixed. 295

(6) "Permanently sited manufactured home" means a 296  
manufactured home that meets all of the following criteria: 297

(a) The structure is affixed to a permanent foundation and is 298  
connected to appropriate facilities; 299

(b) The structure, excluding any addition, has a width of at 300  
least twenty-two feet at one point, a length of at least 301  
twenty-two feet at one point, and a total living area, excluding 302

garages, porches, or attachments, of at least nine hundred square feet; 303  
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(c) The structure has a minimum 3:12 residential roof pitch, 305  
conventional residential siding, and a six-inch minimum eave 306  
overhang, including appropriate guttering; 307

(d) The structure was manufactured after January 1, 1995; 308

(e) The structure is not located in a manufactured home park 309  
as defined by section 3733.01 of the Revised Code. 310

(7) "Safe," with respect to a building, means it is free from 311  
danger or hazard to the life, safety, health, or welfare of 312  
persons occupying or frequenting it, or of the public and from 313  
danger of settlement, movement, disintegration, or collapse, 314  
whether such danger arises from the methods or materials of its 315  
construction or from equipment installed therein, for the purpose 316  
of lighting, heating, the transmission or utilization of electric 317  
current, or from its location or otherwise. 318

(8) "Sanitary," with respect to a building, means it is free 319  
from danger or hazard to the health of persons occupying or 320  
frequenting it or to that of the public, if such danger arises 321  
from the method or materials of its construction or from any 322  
equipment installed therein, for the purpose of lighting, heating, 323  
ventilating, or plumbing. 324

**Sec. 4743.05.** Except as otherwise provided in sections 325  
4701.20 and 4729.65 of the Revised Code, all money collected under 326  
Chapters 3773., 4701., 4703., 4709., 4713., 4715., 4717., 4723., 327  
4725., 4729., 4732., 4733., 4734., 4736., 4741., 4753., 4755., 328  
4757., 4758., 4759., ~~and~~ 4761., and 4781. of the Revised Code, and 329  
until December 31, 2004, money collected under Chapter 4779. of 330  
the Revised Code, shall be paid into the state treasury to the 331  
credit of the occupational licensing and regulatory fund, which is 332

hereby created for use in administering such chapters. 333

At the end of each quarter, the director of budget and 334  
management shall transfer from the occupational licensing and 335  
regulatory fund to the nurse education assistance fund created in 336  
section 3333.28 of the Revised Code the amount certified to the 337  
director under division (B) of section 4723.08 of the Revised 338  
Code. 339

At the end of each quarter, the director shall transfer from 340  
the occupational licensing and regulatory fund to the certified 341  
public accountant education assistance fund created in section 342  
4701.26 of the Revised Code the amount certified to the director 343  
under division (H)(2) of section 4701.10 of the Revised Code. 344

Sec. 4781.01. As used in this chapter: 345

(A) "Industrialized unit" has the same meaning as in division 346  
(C)(3) of section 3781.06 of the Revised Code. 347

(B) "Installation" means any of the following: 348

(1) The temporary or permanent construction of stabilization, 349  
support, and anchoring systems for manufactured housing; 350

(2) The placement and erection of a manufactured housing unit 351  
or components of a unit on a structural support system; 352

(3) The supporting, blocking, leveling, securing, anchoring, 353  
underpinning, or adjusting of any section or component of a 354  
manufactured housing unit; 355

(4) The joining or connecting of all sections or components 356  
of a manufactured housing unit. 357

(C) "Manufactured home" has the same meaning as in division 358  
(C)(4) of section 3781.06 of the Revised Code. 359

(D) "Manufactured home park" has the same meaning as in 360

<u>division (A) of section 3733.01 of the Revised Code.</u>	361
<u>(E) "Manufactured housing" means manufactured homes and mobile homes.</u>	362 363
<u>(F) "Manufactured housing installer" means an individual who installs manufactured housing.</u>	364 365
<u>(G) "Mobile home" has the same meaning as in division (O) of section 4501.01 of the Revised Code.</u>	366 367
<u>(H) "Model standards" means the federal manufactured home installation standards established pursuant to 42 U.S.C. 5404.</u>	368 369
<u>(I) "Permanent foundation" has the same meaning as in division (C)(5) of section 3781.06 of the Revised Code.</u>	370 371
<b><u>Sec. 4781.02.</u></b> (A) <u>There is hereby created the manufactured homes commission which consists of nine members, with three members appointed by the governor, three members appointed by the president of the senate, and three members appointed by the speaker of the house of representatives.</u>	372 373 374 375 376
<u>(B)(1) Commission members shall be residents of this state, except for members appointed pursuant to divisions (B)(3)(b) and (B)(4)(a) of this section. Members shall be selected from a list of persons the Ohio manufactured homes association recommends, except for appointments made pursuant to division (B)(2) of this section.</u>	377 378 379 380 381 382
<u>(2) The governor shall appoint the following members:</u>	383
<u>(a) One member to represent the board of building standards, who may be a member of the board or a board employee not in the classified civil service, with an initial term ending December 31, 2007;</u>	384 385 386 387
<u>(b) One member to represent the department of health, who may be a department employee not in the classified civil service, with</u>	388 389

an initial term ending December 31, 2005; 390

(c) One member whose primary residence is a manufactured housing unit, with an initial term ending December 31, 2006. 391  
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(3) The president of the senate shall appoint the following members: 393  
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(a) Two members who are manufactured housing installers who have been actively engaged in the installation of manufactured housing for the five years immediately prior to appointment, with the initial term of one installer ending December 31, 2007 and the initial term of the other installer ending December 31, 2005. 395  
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(b) One member who manufactures manufactured homes in this state or who manufactures manufactured homes in another state and ships homes into this state, to represent manufactured home manufacturers, with an initial term ending December 31, 2006. 400  
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(4) The speaker of the house of representatives shall appoint the following members: 404  
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(a) One member who operates a manufactured or mobile home retail business in this state to represent manufactured and mobile home retailers, with an initial term ending December 31, 2007; 406  
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(b) One member who is a manufactured home park operator or is employed by an operator, with an initial term ending December 31, 2005; 409  
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(c) One member to represent the Ohio manufactured home association, who may be the president or executive director of the association, with an initial term ending December 31, 2006. 412  
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(C)(1) After the initial term, each term of office is for four years ending on the thirty-first day of December. A member holds office from the date of appointment until the end of the term. No member may serve more than two consecutive four-year terms. 415  
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(2) Any member appointed to fill a vacancy that occurs prior to the expiration of a term continues in office for the remainder of that term. Any member continues in office subsequent to the expiration date of the term until the member's successor takes office or until sixty days have elapsed, which ever occurs first. 420  
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(3) A vacancy on the commission does not impair the authority of the remaining members to exercise all of the commission's powers. 425  
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(D)(1) The governor may remove any member from office for incompetence, neglect of duty, misfeasance, nonfeasance, malfeasance, or unprofessional conduct in office. 428  
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(2) Vacancies shall be filled in the manner of the original appointment. 431  
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**Sec. 4781.03.** (A) No member of the manufactured homes commission may participate in any vote regarding a contract or license the commission awards if the member has a direct pecuniary interest in that contract or license. No action of the commission constitutes a conflict of interest for any member unless a majority of the commission determines that a conflict of interest would exist if a member participates in an action. 433  
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(B) The commission shall meet at least three times each calendar year, upon the call of the chairperson or the written request of a majority of the members. The chairperson shall establish the time and place for each meeting. Five members constitute a quorum, and at least five votes are necessary for the commission to take action. 440  
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(C)(1) The commission shall elect a member as chairperson and a member as vice-chairperson, with each serving for one year. 446  
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(2) The chairperson shall preside at all meetings with the vice-chairperson presiding in the chairperson's absence. At any 448  
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time the chairperson and vice-chairperson are absent from a 450  
meeting when a quorum exists, the members present shall elect a 451  
presiding officer to act during the absence of the chairperson and 452  
vice-chairperson. 453

(D) Members of the commission receive no compensation for 454  
serving on the commission. Members are entitled to reimbursement 455  
for actual and necessary expenses incurred in the discharge of 456  
their official duties, including travel expenses, paid from the 457  
manufactured homes commission operating fund created pursuant to 458  
section 4781.13 of the Revised Code. 459

(E) The commission may employ administrative staff, not in 460  
the classified civil service, including an executive director, to 461  
serve at the pleasure of the commission to carry out duties and 462  
functions the commission authorizes. 463

**Sec. 4781.04.** (A) The manufactured homes commission shall 464  
adopt rules pursuant to Chapter 119. of the Revised Code to do all 465  
of the following: 466

(1) Establish standards that govern the installation of 467  
manufactured housing, with the minimum standards being the model 468  
standards the secretary of the United States department of housing 469  
and urban development adopts. The standards shall be consistent 470  
with, and not less stringent than, the secretary's model standards 471  
for the design and installation of manufactured housing or 472  
manufacturers' standards that the secretary determines are equal 473  
to or not less stringent than the model standards. 474

(2) Govern the inspection of the installation of manufactured 475  
housing; 476

(3) Govern the design, construction, installation, approval, 477  
and inspection of foundations and the base support systems for 478  
manufactured and mobile homes; 479



<u>(4) Govern the training, experience, and education</u>	480
<u>requirements for manufactured housing installers;</u>	481
<u>(5) Establish a code of ethics for manufactured housing</u>	482
<u>installers;</u>	483
<u>(6) Govern the issuance, revocation, and suspension of</u>	484
<u>licenses to manufactured housing installers;</u>	485
<u>(7) Establish fees for the issuance and renewal of licenses,</u>	486
<u>for conducting inspections to determine an applicant's compliance</u>	487
<u>with this chapter and the rules adopted pursuant to it, and for</u>	488
<u>the commission's expenses incurred in implementing this chapter;</u>	489
<u>(8) Establish conditions under which a licensee may enter</u>	490
<u>into contracts to fulfill the licensee's responsibilities;</u>	491
<u>(9) Govern the investigation of complaints concerning any</u>	492
<u>violation of this chapter or the rules adopted pursuant to it or</u>	493
<u>complaints involving the conduct of any licensed manufactured</u>	494
<u>housing installer or person installing manufactured housing</u>	495
<u>without a license;</u>	496
<u>(10) Establish a dispute resolution program for the timely</u>	497
<u>resolution of warranty issues, disputes regarding responsibility</u>	498
<u>for the correction or repair of defects in new and used</u>	499
<u>manufactured housing, and the installation of new and used</u>	500
<u>manufactured housing. The rules shall provide for the resolution</u>	501
<u>of disputes between manufacturers, retailers, installers, and</u>	502
<u>consumers, and shall require that any dispute that concerns an</u>	503
<u>installation be reported within one year following that</u>	504
<u>installation.</u>	505
<u>(11) Establish the requirements and procedures for the</u>	506
<u>certification of building departments and building department</u>	507
<u>personnel pursuant to section 4781.07 of the Revised Code;</u>	508
<u>(12) Establish fees to be charged to building departments and</u>	509

<u>building department personnel applying for certification and</u>	510
<u>renewal of certification pursuant to section 4781.07 of the</u>	511
<u>Revised Code;</u>	512
<u>(13) Carry out any other provision of this chapter.</u>	513
<u>(B) The manufactured homes commission shall do all of the</u>	514
<u>following:</u>	515
<u>(1) Prepare and administer a licensure examination to</u>	516
<u>determine an applicant's knowledge of manufactured housing</u>	517
<u>installation and other aspects of installation the commission</u>	518
<u>determines appropriate;</u>	519
<u>(2) Select, provide, or procure appropriate examination</u>	520
<u>questions and answers for the licensure examination and establish</u>	521
<u>the criteria for successful completion of the examination;</u>	522
<u>(3) Prepare and distribute any application form this chapter</u>	523
<u>requires;</u>	524
<u>(4) Receive applications for licenses and renewal of licenses</u>	525
<u>and issue licenses to qualified applicants;</u>	526
<u>(5) Establish procedures for processing, approving, and</u>	527
<u>disapproving applications for licensure;</u>	528
<u>(6) Retain records of applications for licensure, including</u>	529
<u>all application materials submitted and a written record of the</u>	530
<u>action taken on each application;</u>	531
<u>(7) Review the design and plans for manufactured housing</u>	532
<u>installations, foundations, and support systems;</u>	533
<u>(8) Inspect the construction and installation of manufactured</u>	534
<u>housing installations, foundations, and support systems to</u>	535
<u>determine compliance with the standards the commission adopts;</u>	536
<u>(9) Administer the manufactured homes commission operating</u>	537
<u>fund;</u>	538

(10) Investigate complaints concerning violations of this chapter or the rules adopted pursuant to it, or the conduct of any manufactured housing installer; 539  
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(11) Determine appropriate disciplinary actions for violations of this chapter; 542  
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(12) Conduct audits and inquiries of manufactured housing installers as appropriate for the enforcement of this chapter. The commission, or any person the commission employs for the purpose, may review and audit the business records of any manufactured housing installer during normal business hours. 544  
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(13) Perform any function or duty necessary to administer this chapter and the rules adopted pursuant to it. 549  
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**Sec. 4781.05. The executive director of the manufactured homes commission shall do all of the following:** 551  
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(A) With commission approval, secure and manage office space, supplies, and the professional and clerical staff necessary to effectively perform the executive director's and commission's duties; 553  
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(B) Pursuant to rules the commission adopts, review applications for manufactured housing installer licenses and on behalf of the commission, issue licenses to qualified persons; 557  
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(C) Administer the dispute resolution program the commission develops if the commission does not contract with the Ohio manufactured homes association or another entity to administer the program; 560  
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(D) Administer any continuing education program the commission develops; 564  
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(E) Collect fees the commission establishes; 566

(F) Employ installation inspectors and investigators to serve 567

at the executive director's pleasure to assist in carrying out the 568  
executive director's duties under this chapter or the duties the 569  
commission delegates to the executive director; 570

(G) Serve as secretary of the commission and maintain a 571  
written record of the commission's meetings and proceedings; 572

(H) Notify manufactured housing installers of changes in this 573  
chapter and the rules adopted pursuant to it; 574

(I) Do all things the commission requests or delegates for 575  
the administration and enforcement of this chapter. 576

**Sec. 4781.06.** (A) The manufactured homes commission may 577  
delegate to the executive director any of its duties set forth in 578  
division (B) of section 4781.04 of the Revised Code. 579

(B) The commission may enter into a contract with the Ohio 580  
manufactured homes association or another entity to administer the 581  
dispute resolution program created pursuant to section 4781.04 of 582  
the Revised Code. The contract shall specify the terms for the 583  
administration of the program. 584

(C)(1) The commission may enter into a contract with any 585  
private third party, municipal corporation, township, county, 586  
state agency, or the Ohio manufactured homes association to 587  
perform any of the commission's functions set forth in division 588  
(B) of section 4781.04 of the Revised Code that the commission has 589  
not delegated to the executive director. 590

(2) The commission shall not enter into any contract with any 591  
person or building department to accept and approve plans and 592  
specifications or to inspect manufactured housing foundations and 593  
the installation of manufactured housing unless that person or 594  
building department is certified pursuant to section 4781.07 of 595  
the Revised Code. 596

Sec. 4781.07. (A) Pursuant to rules the manufactured homes commission adopts, the commission may certify municipal, township, and county building departments and the personnel of those departments to exercise the commission's enforcement authority, accept and approve plans and specifications for foundations, support systems and installations, and inspect manufactured housing foundations, support systems, and manufactured housing installations. Any certification is effective for three years. 597  
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(B) Following an investigation and finding of facts that support its action, the commission may revoke or suspend certification. The commission may initiate an investigation on its own motion or the petition of a person affected by the enforcement or approval of plans. 605  
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Sec. 4781.08. (A) The manufactured homes commission shall issue a manufactured housing installer's license to any applicant who is at least eighteen years of age and meets all of the following requirements: 610  
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(1) Submits an application to the commission on a form the commission prescribes and pays the fee the commission requires; 614  
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(2) Completes all training requirements the commission prescribes; 616  
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(3) Meets the experience requirements the commission prescribes by rule; 618  
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(4) Has at least one year of experience installing manufactured housing under the supervision of a licensed manufactured home installer if applying for licensure after January 1, 2006; 620  
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(5) Has completed an installation training course the commission approves, which may be offered by the Ohio manufactured 624  
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<u>homes association or other entity;</u>	626
<u>(6) Receives a passing score on the licensure examination the</u>	627
<u>commission administers;</u>	628
<u>(7) Provides information the commission requires to</u>	629
<u>demonstrate compliance with this chapter and the rules the</u>	630
<u>commission adopts;</u>	631
<u>(8) Provides the commission with three references from</u>	632
<u>persons who are retailers, manufacturers, or manufactured home</u>	633
<u>park operators familiar with the person's installation work</u>	634
<u>experience and competency, with at least two of the three</u>	635
<u>references provided after January 1, 2006, being from persons who</u>	636
<u>are licensed manufactured housing installers;</u>	637
<u>(9) Has liability insurance or a surety bond that is issued</u>	638
<u>by an insurance or surety company authorized to transact business</u>	639
<u>in Ohio, in the amount the commission specifies, and containing</u>	640
<u>the terms and conditions the commission requires;</u>	641
<u>(10) Is in compliance with section 4123.35 of the Revised</u>	642
<u>Code.</u>	643
<u>(B) The commission shall not grant a license to any person</u>	644
<u>who the commission finds has engaged in actions during the</u>	645
<u>previous two years that constitute a ground for denial,</u>	646
<u>suspension, or revocation of a license or who has had a license</u>	647
<u>revoked or disciplinary action imposed by the licensing or</u>	648
<u>certification board of another state or jurisdiction during the</u>	649
<u>previous two years in connection with the installation of</u>	650
<u>manufactured housing.</u>	651
<u>(C) Any person who is licensed, certified, or otherwise</u>	652
<u>approved under the laws of another state to perform functions</u>	653
<u>substantially similar to those of a manufactured housing installer</u>	654
<u>may apply to the commission for licensure on a form the commission</u>	655

prescribes. The commission shall issue a license if the standards for licensure, certification, or approval in the state in which the applicant is licensed, certified, or approved are substantially similar to or exceed the requirements set forth in this chapter and the rules adopted pursuant to it. The commission may require the applicant to pass the commission's licensure examination.

(D) Any license issued pursuant to this section shall bear the licensee's name and post office address, the issue date, a serial number the commission designates, and the signature of the commission chairperson or a person the commission designates pursuant to rules.

(E) A manufactured housing installers license expires two years after it is issued. The commission shall renew a license if the applicant does all of the following:

(1) Meets the requirements of division (A) of this section;

(2) Demonstrates compliance with the requirements of this chapter and the rules adopted pursuant to it;

(3) Meets the commission's continuing education requirements.

(F) No manufactured housing installer's license may be transferred to another person.

**Sec. 4781.09.** (A) The manufactured homes commission may deny, suspend, revoke, or refuse to renew the license of any manufactured home installer for any of the following reasons:

(1) Failure to satisfy the requirements of section 4781.08 or 4781.10 of the Revised Code;

(2) Violation of this chapter or any rule adopted pursuant to it;

(3) Making a material misstatement in an application for a

<u>license;</u>	685
<u>(4) Installing manufactured housing without a license or without being under the supervision of a licensed manufactured housing installer;</u>	686 687 688
<u>(5) Failure to appear for a hearing before the commission or to comply with any final adjudication order of the commission issued pursuant to this chapter;</u>	689 690 691
<u>(6) Conviction of a felony or a crime involving moral turpitude;</u>	692 693
<u>(7) Having had a license revoked, suspended, or denied by the commission during the preceding two years;</u>	694 695
<u>(8) Having had a license revoked, suspended, or denied by another state or jurisdiction during the preceding two years;</u>	696 697
<u>(9) Engaging in conduct in another state or jurisdiction that would violate this chapter if committed in this state.</u>	698 699
<u>(B)(1) Any person whose license or license application is revoked, suspended, denied, or not renewed or upon whom a civil penalty is imposed pursuant to division (C) of this section may request an adjudication hearing on the matter within thirty days after receipt of the notice of the action. The hearing shall be held in accordance with Chapter 119. of the Revised Code.</u>	700 701 702 703 704 705
<u>(2) Any licensee or applicant may appeal an order made pursuant to an adjudication hearing in the manner provided in section 119.12 of the Revised Code.</u>	706 707 708
<u>(3) Any action against the commission and any appeal from a determination or decision the commission renders shall be brought in the court of common pleas of Franklin county.</u>	709 710 711
<u>(C) As an alternative to suspending, revoking, or refusing to renew a manufactured housing installer's license, the commission may impose a civil penalty of not less than one hundred dollars or</u>	712 713 714



more than five hundred dollars per violation of this chapter or 715  
any rule adopted pursuant to it. The commission shall deposit 716  
penalties in the occupational licensing and regulatory fund 717  
pursuant to section 4743.05 of the Revised Code. 718

(D) A person whose license is suspended, revoked, or not 719  
renewed may apply for a new license two years after the date on 720  
which the license was suspended, revoked, or not renewed. 721

**Sec. 4781.10.** (A) The manufactured homes commission may 722  
establish programs and requirements for continuing education for 723  
manufactured housing installers. The commission shall not require 724  
licensees to complete more than eight credit hours of continuing 725  
education during each license period. If the commission 726  
establishes a program of continuing education, it shall require 727  
that only courses that the commission pre-approves be accepted for 728  
licensure credit, and unless an extension is granted pursuant to 729  
division (D) of this section, that all credit hours be 730  
successfully completed prior to the expiration of the installer's 731  
license. 732

(B) To provide the resources to administer continuing 733  
education programs, the commission may establish nonrefundable 734  
fees, including any of the following: 735

(1) An application fee not to exceed one hundred fifty 736  
dollars charged to the sponsor of each proposed course; 737

(2) A renewal fee not to exceed seventy-five dollars, charged 738  
to the sponsor of each course, for the annual renewal of course 739  
approval; 740

(3) A course fee charged to the sponsor of each course 741  
offered, not to exceed five dollars per credit hour, for each 742  
person completing an approved course; 743

(4) A student fee charged to licensees, not to exceed fifty 744

dollars, for each course or activity a student submits to the 745  
commission for approval. 746

(C) The commission may adopt reasonable rules not 747  
inconsistent with this chapter to carry out any continuing 748  
education program, including rules that govern the following: 749

(1) The content and subject matter of continuing education 750  
courses; 751

(2) The criteria, standards, and procedures for the approval 752  
of courses, course sponsors, and course instructors; 753

(3) The methods of instruction; 754

(4) The computation of course credit; 755

(5) The ability to carry forward course credit from one year 756  
to another; 757

(6) Conditions under which the commission may grant a waiver 758  
or variance from continuing education requirements on the basis of 759  
hardship or other reasons; 760

(7) Procedures for compliance with the continuing education 761  
requirements and sanctions for noncompliance. 762

(D) The commission shall not renew the license of any person 763  
who fails to satisfy any continuing education requirement that the 764  
commission establishes. The commission may, for good cause, grant 765  
an extension of time to comply with the continuing education 766  
requirements. Any installer who is granted an extension and 767  
completes the continuing education requirements within the time 768  
the commission establishes is deemed in compliance with the 769  
education requirements. The license of any person who is granted 770  
an extension shall remain in effect during the period of the 771  
extension. 772

Sec. 4781.11. (A)(1) Except as provided in division (B) of 773

this section, no person shall install manufactured housing unless 774  
that person is licensed as a manufactured housing installer 775  
pursuant to this chapter or unless a licensed manufactured housing 776  
installer is present during the installation and supervises the 777  
person who is not licensed. 778

(2) A licensed manufactured housing installer who supervises 779  
the work of an unlicensed person is responsible for all 780  
installation work that the unlicensed person performs under the 781  
licensed person's supervision. 782

(3) A person who is not a licensed manufactured housing 783  
installer may perform foundation or base support system 784  
construction if supervised by a licensed installer. The licensed 785  
installer need not be present during the construction of the 786  
foundation or base support system but is responsible for the 787  
construction of the foundation or base support system. 788

(B)(1) Nothing in this chapter requires a person to obtain a 789  
manufactured housing installer license to install manufactured 790  
housing for the person's own occupancy if the manufactured housing 791  
is located on property that the person owns and is not located in 792  
a manufactured home park. 793

(2) A person who installs manufactured housing in the manner 794  
described in division (B)(1) of this section is not entitled to 795  
claim any right or remedy or to bring a cause of action under this 796  
chapter. 797

(C) No person shall install any manufactured housing 798  
foundation or manufactured housing support system unless that 799  
foundation or support system complies with the standards the 800  
manufactured homes commission establishes and receives all 801  
approvals and inspections that the commission requires. 802

(D) It is a violation of this chapter to do any of the 803

following: 804

(1) Represent another person's license as a manufactured housing installer as one's own; 805  
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(2) Intentionally give false or materially misleading information of any kind to the commission or to a commission member in connection with licensing matters; 807  
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(3) Impersonate another manufactured housing installer; 810

(4) Use an expired, suspended, or revoked license. 811

**Sec. 4781.12.** (A) The manufactured homes commission may apply to an appropriate court to enjoin any violation of this chapter or the rules adopted pursuant to it. The court shall grant any appropriate relief, including an injunction, restraining order, or any combination thereof, upon a showing that a person has violated or is about to violate this chapter or a rule adopted pursuant to it. 812  
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(B) The prosecuting attorney of a county, a city director of law, or the attorney general may, upon the complaint of the commission, prosecute to termination or bring an action for injunction against any person violating this chapter or the rules adopted pursuant to it. 819  
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**Sec. 4781.13.** There is hereby created in the state treasury the manufactured homes commission operating fund which consists of all money transferred to the fund pursuant to section 4743.05 of the Revised Code. The fund shall be used for the administration and enforcement of this chapter, including, but not limited to, the payment of the commission's operating costs, staff salaries, and expenses. 824  
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**Sec. 4781.14.** (A) The state, through the manufactured homes 831

commission, has exclusive authority to regulate manufactured home 832  
installers, the installation of manufactured housing, and 833  
manufactured housing foundations and support systems in the state. 834  
By enacting this chapter, it is the intent of the general assembly 835  
to preempt municipal corporations and other political subdivisions 836  
from regulating and licensing manufactured housing installers and 837  
regulating and inspecting the installation of manufactured housing 838  
and manufactured housing foundations and support systems. 839

(B) The manufactured homes commission has exclusive power to 840  
adopt rules of uniform application throughout the state governing 841  
installation of manufactured housing, the inspection of 842  
manufactured housing foundations and support systems, the 843  
installation of manufactured housing, the training and licensing 844  
of manufactured housing installers, and the investigation of 845  
complaints concerning manufactured housing installers. 846

(C) The rules the commission adopts pursuant to this chapter 847  
are the exclusive rules governing the installation of manufactured 848  
housing, the design, construction, and approval of foundations for 849  
manufactured housing, the licensure of manufactured home 850  
installers, and the fees charged for licensure of manufactured 851  
home installers. No political subdivision of the state or any 852  
department or agency of the state may establish any other 853  
standards governing the installation of manufactured housing, 854  
manufactured housing foundations and support systems, the 855  
licensure of manufactured housing installers, or fees charged for 856  
the licensure of manufactured housing installers. 857

**Section 2.** That existing sections 119.12, 3733.02, 3781.06, 858  
and 4743.05 of the Revised Code are hereby repealed. 859

**Section 3.** Section 4781.11 of the Revised Code, as enacted by 860  
this act, shall take effect one year after the effective date of 861

this act.

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