



Ohio Legislative Service Commission

Bill Analysis

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Am. Sub. H.B. 186 128th General Assembly (As Passed by the House)

Reps. Foley and Patten, Boyd, Brown, Domenick, Hagan, Heard, Luckie, Okey, Skindell, Stewart, Yuko, Belcher, Carney, Chandler, Dodd, Dyer, Garland, Harris, Letson, Lundy, Mallory, Pillich, Sayre, B. Williams, Winburn

BILL SUMMARY

- Transfers from the Department of Health and the Public Health Council to the Manufactured Homes Commission regulatory authority related to manufactured home parks.
- Prohibits a manufactured home park operator from prohibiting an owner of a unit in a manufactured home park from displaying a for sale sign on that owner's lot.
- Prohibits a manufactured home park operator from prohibiting an owner or a tenant from displaying a political sign on that owner's or tenant's lot.
- Alters the method and type of relief a tenant or owner may obtain from a park operator's violation of certain duties.
- Establishes adjudication procedures for violations of the Manufactured Home Park Law.
- Requires a mortgagee to notify the Manufactured Homes Commission when initiating a foreclosure action against a manufactured home park and requires the Commission to notify the manufactured home park residents.
- Requires a manufactured home park operator to pay relocation expenses when a manufactured home park is converted or sold for another use.
- Requires the Manufactured Homes Commission to develop a list comprised of organizations that have an interest in the sale or purchase of parks and persons that assist in financing manufactured home parks, and to notify persons on the list when a park is offered for sale or at any other time in the Commission's discretion.

- Establishes continuing education requirements for manufactured home park operators.
- Establishes the Manufactured Homes Commission Regulatory Fund for the administration and enforcement of the Manufactured Home Park Law.
- Diverts certain fees from the General Operations Fund to the Occupational Licensing and Regulatory Fund for the administration and enforcement of the Manufactured Home Park Law.
- Requires the Director of Budget and Management to transfer cash from the General Operations Fund that previously was collected pursuant to the Manufactured Home Park Law into the Occupational Licensing and Regulatory Fund for the administration of the Manufactured Home Park Law.
- Repeals a provision in the motor vehicle dealers law regarding a vehicle repair guarantee.
- Repeals provisions in the Manufactured Home Park Law regarding a survey or resurvey of health districts and fees in lieu of license and inspection fees.
- Revises the application requirements for a new motor vehicle dealer's license and for a motor vehicle salesperson's license.
- Repeals the exception under existing law that permits two or more motor vehicle dealers to sell manufactured or mobile homes in the same manufactured home park without having to agree to joint, several, and personal liability.
- Makes changes to the motor vehicle dealers law to conform with Am. Sub. H.B. 1 of the 128th General Assembly.
- Establishes special effective dates.
- Makes cross-reference and other conforming changes.

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CONTENT AND OPERATION

Transfer of regulatory authority over manufactured home parks

Under existing law, the Director of the Department of Health and the Public Health Council have regulatory authority related to manufactured home parks. The Public Health Council, subject to R.C. Chapter 119, is required to adopt, and has the exclusive power to adopt, rules of uniform application throughout the state governing the review of plans, issuance of flood plain management permits, and issuance of licenses for manufactured home parks; the location, layout, density, construction, drainage, sanitation, safety, and operation of those parks; and notices of flood events concerning, and flood protection at, those parks. The bill transfers this authority to the Manufactured Homes Commission and relocates many provisions dealing with manufactured home parks from R.C. Chapter 3733. to R.C. Chapter 4781. (R.C. 3733.02(A)(1), renumbered R.C. 4781.26(A)(1).)

Existing law also states that the Public Health Council, in accordance with R.C. Chapter 119, also must adopt rules of uniform application throughout the state establishing requirements and procedures in accordance with which the Director of the Department of Health may authorize licensors for the purposes of R.C. 3733.022 (permit for developing in flood plain) and 3733.025 (owner to repair home that is substantially damaged). The bill repeals this provision. (R.C. 3733.02(B), repealed.)

Existing law also provides that the Manufactured Homes Commission must determine compliance with the installation, blocking, tiedown, foundation, and base support system standards for manufactured housing located in manufactured home parks adopted by the Commission pursuant to R.C. 4781.04. All inspections of the installation, blocking, tiedown, foundation, and base support systems of manufactured housing in a manufactured home park that the *Department of Health or a licensor* conducts must be conducted by a person *who has completed an installation training course approved by the Manufactured Homes Commission* pursuant to R.C. 4781.04(B)(12) (installation training course approved by the Manufactured Homes Commission). The bill modifies and relocates this provision by stating that the Manufactured Homes Commission conducts the above-described inspections and that the inspections must be conducted by a person the Manufactured Homes Commission certifies pursuant to R.C. 4781.07. (R.C. 3733.02(A)(3), renumbered R.C. 4781.26(C).)

Under existing law, on or after December 1, but before January 1 of the next year, every person who intends to operate a manufactured home park must procure a license to operate the park for the next year from the licensor. If the applicable license fee prescribed under R.C. 3733.04 is not received by the licensor by the close of business on the last day of December, the applicant for the license must pay a penalty equal to 25% of the applicable license fee. The bill modifies this provision by requiring that the person procure a license from the Manufactured Homes Commission and changes the cross-reference regarding the applicable license fee to R.C. 4781.28. (R.C. 3733.03(A)(1), renumbered R.C. 4781.27(A)(1).)

Existing law provides that before a license is initially issued and annually thereafter, or more often if necessary, the *licensor* must cause each manufactured home park to be inspected *relative to* compliance with R.C. 3733.01 to 3733.08 and the rules adopted under those sections. A record must be made of each inspection on a form prescribed by the *Director of Health*. The bill requires the Manufactured Homes Commission to cause each manufactured home park to be inspected for compliance with R.C. 4781.26 to 4781.35 and the rules adopted under those sections and that a record must be made of each inspection on a form prescribed by the Manufactured Homes Commission. (R.C. 3733.03(B), renumbered R.C. 4781.27(B).)

Under existing law each person applying for an initial license to operate a manufactured home park must provide acceptable proof to the *Director of Health* that adequate fire protection will be provided and that applicable fire codes will be adhered to in the construction and operation of the park. The bill provides that this proof must be provided to the Manufactured Homes Commission. (R.C. 3733.03(C), renumbered R.C. 4781.27(C).)

Manufactured Homes Commission

Under existing law, the Manufactured Homes Commission 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 (R.C. 4781.02(A)). One of the members appointed by the Governor represents the Department of Health, who may be a Department employee not in the classified civil service, with an initial term ending December 31, 2005 (R.C. 4781.02(B)(2)(b)). The bill removes this member and replaces this member with a member who is registered as a sanitarian in accordance with R.C. Chapter 4736. (law regarding sanitarians), has experience with the regulation of manufactured homes, and is an employee of a health district described in R.C. 3709.01. The bill also provides that notwithstanding the original term of the appointment, the term of the Manufactured Homes Commission member who was appointed by the Governor as a representative of the Department of Health pursuant to R.C. 4781.02(B)(2)(b) ends on the effective date of that section as amended by the bill. The initial term of the registered sanitarian appointed by the Manufactured Homes Commission pursuant to R.C. 4781.02, as amended by the bill, expires on the date when the representative of the Department of Health's term would have expired, but for this provision. (Section 11.)

Rules adopted by the Manufactured Homes Commission regarding inspection of records

Existing law requires the Manufactured Homes Commission to adopt various rules pursuant to R.C. Chapter 119. The bill additionally requires the Manufactured Homes Commission to adopt a rule to develop a policy regarding the maintenance of records for any inspection authorized or conducted pursuant to R.C. Chapter 4781., and any such record must be a public record under R.C. 149.43. (It is not clear whether the requirement that any such record must be a public record is intended to be in the rules or to be a stand alone requirement.) (R.C. 4781.04(A)(13).) The bill also states that nothing in R.C. 4781.04 may be construed to limit the authority of a board of health to enforce R.C. 3701.344 (rules for private water systems) and R.C. Chapter 3703. (plumbing), 3718. (sewage treatment systems), and 3781. (building standards) (R.C. 4781.04(C)).

Continuing education

Under existing law, the Manufactured Homes Commission may establish programs and requirements for continuing education for manufactured housing installers (R.C. 4781.10(A)). Existing law also allows the Commission to establish nonrefundable fees to provide the resources to administer continuing education programs (R.C. 4781.10(B)). The bill requires the Manufactured Homes Commission to

establish by rule programs of continuing education for manufactured home park operators and must approve by rule any courses offered through those programs. The rules the Commission adopts must specify that the courses must be developed by the Ohio Manufactured Homes Association in consultation with the Association of Manufactured Home Residents of Ohio, or any other entity the Commission designates by rule. The courses must be designed to fulfill the license renewal requirements of R.C. 3733.03 (this section is renumbered R.C. 4781.27 by the bill) of eight hours of continuing education and must be presented by the Ohio Manufactured Homes Association, or any other entity the Commission designates by rules, as the course provider. Certified completion of the course must fulfill the continuing education requirement of license renewal. (R.C. 4781.10(A)(2).)

The bill also provides that the Commission cannot renew a license to operate a manufactured home park unless the licensee has completed an average of at least eight hours of continuing education courses per year since the prior renewal or, if an initial license is being renewed, since the issuance of that license. The Commission cannot accept any course in fulfillment of this requirement unless the Commission has approved that course for credit under R.C. 4781.10. (R.C. 4781.27(D).)

Investigations by the Manufactured Homes Commission

The bill allows the Manufactured Homes Commission, pursuant to R.C. 4781.04, to investigate any person who allegedly has committed a violation of R.C. 4781.11 (license required for installation of a manufactured home--not in the bill), 4781.16 (display or sales of manufactured or mobile homes--not in the bill), or 4781.27 (license to operate a park), or any rule adopted pursuant to R.C. 4781.04. If, after an investigation the Commission determines that reasonable evidence exists that a person has committed a violation of any of those sections or rules, within seven days after that determination, the Commission must send a written notice to that person in the same manner as prescribed in R.C. 119.07 (notice of hearing) for licensees, except that the notice must specify that a hearing will be held and specify the date, time, and place of the hearing. The Commission must hold a hearing regarding the alleged violation in the same manner prescribed for an adjudication hearing under R.C. 119.09. If the Commission, after the hearing, determines that a violation has occurred, the Commission, upon an affirmative vote of five of its members, may impose a fine not exceeding \$1,000 per violation per day. The Commission's determination is an order that the person may appeal in accordance with R.C. 119.12 (appeal by party adversely affected). (R.C. 4781.121(A), (B), and (F).)

If the person who allegedly committed a violation fails to appear for a hearing, the Commission may request the court of common pleas of the county where the alleged violation occurred to compel the person to appear before the Commission for a

hearing. If the Commission assesses a person a civil penalty for a violation and the person fails to pay that civil penalty within the time period prescribed by the Commission pursuant to R.C. 131.02 (collecting amounts due to the state), the Commission must forward to the Attorney General the name of the person and the amount of the civil penalty for the purpose of collecting that civil penalty. In addition to the civil penalty assessed, the person also must pay any fee assessed by the Attorney General for collection of the civil penalty. (R.C. 4781.121(C) and (D).)

The above-described authority provided to the Commission to investigate, hold hearings, and impose civil penalties and any fine imposed is in addition to and not in lieu of all penalties and other remedies provided in R.C. Chapter 4781. Any fines collected must be used solely to administer and enforce R.C. Chapter 4781. and rules adopted under it. (R.C. 4781.121(C), (D), and (E).)

Manufactured Homes Commission Regulatory Fund

The bill creates in the state treasury the Manufactured Homes Commission Regulatory Fund, which consists of fees paid under R.C. 4781.28 (discussed below). The Fund must be used for the purposes described below. (R.C. 4781.54.) Under existing law, the licensor of a manufactured home park can charge a fee for an annual license to operate such a park. The fee for a license must be determined in accordance with R.C. 3709.09 (establishment of fees by a board of health to pay for costs of services the board provides) and must include the cost of licensing and all inspections. The bill authorizes the Manufactured Homes Commission to charge such a fee determined in accordance with R.C. 4781.26 (general power of Commission to adopt rules). Existing law requires that the fee include any additional amount determined by rule of the Public Health Council, which must be collected and transmitted by the Board of Health to the Director of Health pursuant to R.C. 3709.092 and used only for the purpose of administering and enforcing R.C. 3733.01 to 3733.08. The portion of any fee retained by the Board of Health must be paid into a special fund and used only for the purpose of administering and enforcing R.C. 3733.01 to 3733.08 and the rules adopted thereunder. The bill instead requires that any fees collected must be transmitted to the State Treasurer and credited to the Manufactured Homes Commission Regulatory Fund and used only for the purpose of administering and enforcing R.C. 4781.26 to 4781.35 and the rules adopted thereunder. (R.C. 3733.04, renumbered R.C. 4781.28.)

Submitting development plans to the Manufactured Homes Commission

Existing law prohibits a person from causing development to occur within any portion of a manufactured home park until the plans for development have been submitted to and reviewed and approved by the Director of Health. The Director is required to establish a system by which development occurring within a manufactured

home park is inspected or verified in accordance with rules adopted under R.C. 3733.02(A) to ensure that the development complies with the approved plans. The Director is also required to charge the appropriate fees established by the Public Health Council for reviewing plans and conducting inspections. These fees received by the Director must be transmitted to the State Treasurer and must be credited to the general operations fund created in R.C. 3701.83. The bill provides that the Manufactured Homes Commission must review and approve the plans for development and establish and charge the fees for reviewing plans and conducting inspections. (R.C. 3733.021, renumbered R.C. 4781.31.)

Permit for developing in a flood plain

Under existing law, a person is prohibited from causing development to occur or causing the replacement of a mobile or manufactured home within any portion of a manufactured home park that is located within a 100-year flood plain unless the person first obtains a permit from the *Director of Health or a licensor authorized by the Director*. The *Director or licensor* must disapprove an application for a permit unless the *Director or the licensor* finds that the proposed development or replacement of a mobile or manufactured home complies with the rules adopted under R.C. 3733.02(A) (renumbered R.C. 4781.31 by the bill). The *Director or licensor* may suspend or revoke a permit for failure to comply with those rules pertaining to flood plain management or for failure to comply with the approved permit. Any person aggrieved by the disapproval, suspension, or revocation of a permit by the *Director or licensor* may request a hearing on the matter within 30 days after receipt of the notice of disapproval, suspension, or revocation. The bill replaces the references to the Director of Health or a licensor authorized by the Director with references to the Manufactured Homes Commission. (R.C. 3733.022(A), renumbered R.C. 4781.32(A).)

Under existing law, the Public Health Council is required to establish fees for the issuance of permits described above and for necessary inspections conducted to determine compliance with those permits. The bill requires the Manufactured Homes Commission to establish these fees. (R.C. 3733.022(B), renumbered R.C. 4781.32(B).)

Existing law requires the *Director of Health or a licensor* to charge the appropriate fee for the issuance of a permit described above or for conducting any necessary inspection to determine compliance with the permit. If the *Director* issues such a permit or conducts such an inspection, the fee for the permit or inspection must be transmitted to the State Treasurer and must be credited to the general operations fund created in R.C. 3701.83. Moneys so credited to the fund must be used by the *Director* only for the purpose of administering and enforcing the Manufactured Homes Parks Law (R.C. 3373.01 to 3733.08) and rules adopted under those sections. *If the licensor is a board of health, the permit or inspection fee must be deposited to the credit of the special fund of the health*

district created in R.C. 3733.04 and must be used only for the purpose set forth in that section. The bill removes this last provision, removes the requirement that the moneys be used by the Director, specifies that the Manufactured Homes Commission must charge the appropriate fees, and specifies that the fee for the permit or inspection must be credited to the Occupational Licensing and Regulatory Fund created in R.C. 4743.05. (R.C. 3733.022(C), renumbered R.C. 4781.32(C).)

Notice of flood event affecting a manufactured home park

Under existing law, when a flood event affects a manufactured home park, the operator of the manufactured home park, in accordance with rules adopted under R.C. 3733.02(A), must notify the *licensor having jurisdiction of the occurrence of the flood event* within 48 hours after the end of the flood event. A person is prohibited from failing to comply with this requirement. (R.C. 3733.024(A).) The bill removes this prohibition, changes the section reference to R.C. 4781.26(A), requires the operator of a manufactured home park to notify the Manufactured Homes Commission and the board of health having jurisdiction where the flood event occurred within 48 hours after the end of the flood event, and requires the Commission, after receiving notification, to immediately notify the board of health. (R.C. 3733.024(A), renumbered R.C. 4781.33.)

Existing law requires the licensor having jurisdiction where a flood event occurred that affected a manufactured home park to notify the Director of Health of the occurrence of the flood event within 24 hours after being notified of the flood event. Existing law also provides that within 48 hours after being notified of such a flood event *by a licensor, the Director* must cause an inspection to be made of the manufactured home park named in the notice. The bill removes the requirement that such a licensor give notice of a flood event and requires the board of health to cause an inspection to be made of the manufactured home park affected after receiving such a notice. (R.C. 3733.024(B), renumbered R.C. 4781.33.)

Owner to repair a mobile or manufactured home that is located in a flood plain and that is substantially damaged

Existing law requires the owner of a mobile or manufactured home that is located in a flood plain and that is substantially damaged to make all alterations, repairs, or changes to the home, and requires the operator of the manufactured home park to make all alterations, repairs, or changes to the lot on which the home is located, that are necessary to ensure compliance with the flood plain management rules. A person must first obtain a permit from the *Director of Health or a licensor authorized by the Director* before causing to be performed any alteration, repair, or change required. The bill requires the person to obtain a permit for the Manufactured Homes Commission. Under existing law, the owner of the home and the operator of the manufactured home

must jointly obtain the required permit. Each of the persons to whom a permit is jointly issued is responsible for compliance with the provisions of the approved permit that are applicable to that person. The bill removes this requirement for a joint permit. (R.C. 3733.025(A) and (B), renumbered R.C. 4781.34(B).)

Existing law requires the *Director or licensor* to disapprove an application for a permit unless the *Director or licensor* finds that the proposed alteration, repair, or change complies with the applicable rules and allows the *Director or licensor* to suspend or revoke a permit for failure to comply with the rules pertaining to flood plain management or for failure to comply with the approved permit. Any person aggrieved by the disapproval, suspension, or revocation of a permit by the *Director or licensor* may request a hearing on the matter within 30 days after receipt of the notice of disapproval, suspension, or revocation. The bill replaces the Director or licensor with the Manufactured Homes Commission. (R.C. 3733.025(B), renumbered R.C. 4781.34(B).)

Existing law requires the *Public Health Council* to establish fees for the issuance of the above-described permits and for necessary inspections conducted to determine compliance with those permits and requires the *Director or a licensor* to charge the appropriate fee for the issuance of a permit or for conducting any necessary inspection to determine compliance with the permit. If the *Director* issues such a permit or conducts such an inspection, the fee for the permit or inspection must be transmitted to the State Treasurer and be credited to the general operations fund created in R.C. 3701.83. Moneys so credited to the fund must be used *by the Director* only for the purpose of administering and enforcing the Manufactured Homes Law and rules adopted under those sections. *If the licensor is a board of health, the permit or inspection fee must be deposited to the credit of the special fund of the health district created in R.C. 3733.04 and must be used only for the purpose set forth in that section.* (R.C. 3733.025(C) and (D).) The bill removes this last provision, removes the requirement that the moneys be used by the Director, specifies that the Manufactured Homes Commission must charge the appropriate fees, and specifies that the fee for the permit or inspection must be credited to the Occupational Licensing and Regulatory Fund. (R.C. 3733.025(C) and (D), renumbered R.C. 4781.34(C).)

Rental agreement

Under existing law, a park operator must offer each home owner a written rental agreement for a manufactured home park lot for a term of one year or more that contains terms essentially the same as any alternative month-to-month rental agreement offered to current and prospective tenants and owners (R.C. 3733.11(A)(1)). Existing law also provides that if the park operator sells the manufactured home park for a use other than as a manufactured home park, the park operator must give each tenant and owner a written notification by certified mail, return receipt requested, or by handing it

to the tenant or owner in person. If the park operator delivers the notification in person, the recipient must complete a return showing receipt of the notification. This notification must contain notice of the sale of the manufactured home park, and notice of the date by which the tenant or owner must vacate. The date by which the owner must vacate must be at least 120 days after receipt of the written notification, and the date by which the owner must vacate must be at least 180 days after receipt of the written notification. (R.C. 3733.11(A)(3).) The bill removes this provision dealing with the sale of the park and changes the reference to "manufactured home park operator" in the provision dealing with offering a written rental agreement for one year or more.

Prohibited actions of a manufactured park owner

Under existing law, a park operator is prohibited from doing certain things with respect to manufactured home owners renting space in a manufactured home park. If the park operator violates any of these prohibitions, the tenant or owner may recover actual damages resulting from the violation and, if the tenant or owner obtains a judgment, reasonable attorney's fees, or terminate the rental agreement (R.C. 3733.11(H)). The bill additionally prohibits a park operator from prohibiting the indoor or outdoor display either of a for sale sign by an owner on that owner's lot, including a sign that indicates the owner is offering the property for sale by owner, or of a political sign by a tenant or owner on that tenant's or owner's lot, if the tenant or owner displaying the sign complies with all applicable sections of the Revised Code and all applicable municipal and county ordinances and resolutions regulating the display of such a sign. "Political sign" means a sign that advertises, promotes, endorses, or opposes an issue that has been certified to appear on the ballot, or a candidate whose name has been certified to appear on the ballot, at the next general, special, or primary election. (R.C. 3733.11(H)(6).) The bill also modifies the damage recovery provisions by allowing the tenant or owner to commence a civil action against the park operator for either or both of the following: (1) the greater of \$25 or the actual damages resulting from the violation, and, if the tenant or owner obtains a judgment, reasonable attorney's fees, and (2) termination of the rental agreement. (R.C. 3733.11(I).)

Sale of a manufactured home park

The bill provides that within ten days after a manufactured home park is offered for sale, the operator of that park must notify the Manufactured Homes Commission and advise it of that sale. The Commission promptly must notify persons that are interested in the sale or purchase of manufactured home parks, including persons included on the list the Commission develops pursuant to R.C. 4781.60 (see "**List of organizations that have an interest in the sale or purchase of parks and persons that assist in the financing of manufactured home parks**" below). (R.C. 3733.111(A).) At any time a manufactured home park is being sold or converted for a

use other than as a manufactured home park, the operator must do both of the following (R.C. 3733.111(B)):

(1) Provide the each tenant and owner with written notice of the sale or conversion of the park. The notice must be delivered by certified mail, return receipt requested, or by personal delivery. If the park operator delivers the notice in person, the operator must have the recipient complete a return showing receipt of the notice. The notice must include the date by which the tenant or owner must vacate, which for tenants must be at least 120 days after receipt of the written notice and for owners must be at least 180 days after receipt of the written notice.

(2) Pay relocation expenses to owners of homes in an amount the Commission establishes by rule pursuant to R.C. 4781.60 (see "**List of organizations that have an interest in the sale or purchase of parks and persons that assist in the financing of manufactured home parks**" below).

Under the bill, within ten days after a mortgagee files to initiate a foreclosure action against a manufactured home park, the mortgagee must provide written notice of that filing to the Manufactured Homes Commission and a copy of that notice to the court, as R.C. 2323.05 requires (R.C. 733.111(C)). Under R.C. 2323.05, if the mortgagee does not provide the notice or copy as required, the court must dismiss the foreclosure action without prejudice. Within 30 days after receiving notice of the filing, the Commission must notify residents in the park of the foreclosure action.

List of organizations that have an interest in the sale or purchase of parks and persons that assist in the financing of manufactured home parks

The bill requires the Manufactured Homes Commission to develop a list comprised of organizations that have an interest in the sale or purchase of parks and persons that assist in the financing of manufactured homes. The list must include the Ohio Manufactured Homes Association, the Association of Manufactured Homes Residents of Ohio, and any other entity that the Commission identifies as appropriate for the inclusion on that list or that requests inclusion on that list. The Commission must contact persons on that list when a manufactured home park is offered for sale, and at any other time at the Commission's discretion. (R.C. 4781.60(A).)

The Commission must adopt rules that establish relocation expenses that a manufactured home park operator must provide to an owner when a manufactured home park is converted or sold for a use other than as a manufactured home park. The rules must specify that the amount of reimbursement must be the greater of the actual cost of relocating a home or \$3,000 to the owner of a single-wide manufactured or

mobile home or \$5,000 to the owner of a double-wide or larger manufactured or mobile home. (R.C. 4781.60(B).)

Criminal prohibitions

Under existing law, whoever violates R.C. 3733.08(A) (prosecuting violations) is guilty of a misdemeanor of the fourth degree (R.C. 3733.99(A)). The bill moves this prohibition to R.C. 4781.99(C)(1). The bill also renumbers R.C. 3733.08 and R.C. 4781.35, changes the cross-references from R.C. 3733.01 to 3733.09 to R.C. 4781.26 to 4781.35, and provides that the prosecuting attorney of the county, the city director of law, or the Attorney General, upon complaint of the Manufactured Homes Commission (rather than the licensor or Director of Health under existing law) shall prosecute to terminate or bring an action for injunction against any person violating R.C. 4781.26 to 4781.35 or the rules adopted thereunder. (R.C. 4781.35.)

Vehicle repair guarantee repeal

The bill repeals a provision in existing law governing motor vehicle dealers that permits the Registrar of Motor Vehicles to require certain applicants for licensure to sell new motor vehicles to demonstrate that such applicants will provide for each customer with a binding agreement ensuring that the customer has the right to have the vehicle repaired at a dealer who is licensed to sell the same line of vehicles (R.C. 4517.12(C)(2)).

The bill makes this change effective on the 91st day after the bill, if enacted, is filed with the Secretary of State, or July 1, 2010, whichever is later (Section 3).

Motor vehicle dealers license

Under existing law, each person applying for a new motor vehicle license must annually make out and deliver to the Registrar of Motor Vehicles, before April 1, and upon a blank to be furnished by the Registrar for that purpose, a separate application for license for each county in which the business of selling new motor vehicles is to be conducted. The bill requires each person to biennially make out and deliver that application. (R.C. 4517.04.)

The bill makes this change effective on the 91st day after the bill, if enacted, is filed with the Secretary of State, or July 1, 2010, whichever is later (Section 3).

Motor vehicle salesperson license

Under existing law, each person applying for a salesperson's license must annually make out and deliver to the Registrar of Motor Vehicles, before July 1, and upon a blank to be furnished by the Registrar for that purpose, a separate application

for license. The bill requires each person to biennially make out and deliver that application. (R.C. 4517.09.)

The bill makes this change effective on the 91st day after the bill, if enacted, is filed with the Secretary of State, or July 1, 2010, whichever is later (Section 3).

Motor vehicle dealer joint liability

The bill repeals an exception under existing law that permits two or more motor vehicle dealers to sell manufactured or mobile homes in the same manufactured home park without having to agree to joint, several, and personal liability arising from their engaging in business at the same location (R.C. 4517.24(B)).

The bill makes this change effective on the 91st day after the bill, if enacted, is filed with the Secretary of State, or July 1, 2010, whichever is later (Section 3).

Rules adopted by the Public Health Council

Existing R.C. 1923.02, 4781.37, 4781.38, 4781.39, and 4781.45 refer to rules adopted by the Public Health Council. The bill removes Public Health Council and replaces it with Manufactured Homes Commission. Existing R.C. 3781.06(A)(2) states that nothing in R.C. 3781.06 to 3781.18 (building standards) and 3791.04 (building standards-offenses and penalties) are to be construed to limit the power of the Public Health Council to adopt rules of uniform application governing manufactured home parks. The bill removes this provision.

Occupational Licensing and Regulatory Fund; transfer of funds

Existing law, as discussed above, establishes the General Operations Fund and the Occupational Licensing and Regulatory Fund in the state treasury. The bill requires the Director of Budget and Management, on or about July 1, 2011, to transfer cash from the General Operations Fund that was collected pursuant to the Manufactured Home Park Law into the Occupational Licensing and Regulatory Fund. The bill requires all transferred money to be used for the administration of the Manufactured Home Park Law. (Section 10.)

Repeal of survey or resurvey of health districts

The bill repeals existing law that allows the Director of Health to annually survey each health district licensing manufactured home parks to determine whether the district is in substantial compliance with the Manufactured Home Parks Law and the rules adopted thereunder (R.C. 3733.031).

Repeal of fees in lieu of license and inspection fees

The bill repeals existing law regarding fees authorized or changed under the Manufactured Home Parks Law that are in lieu of all license and inspection fees on or with respect to the operation or ownership of manufactured home parks within Ohio (R.C. 3733.07).

Repeal of provision regarding the "National Manufactured Housing Construction and Safety Standards Act of 1974"

The bill repeals existing law that states that nothing in the Motor Vehicle Law regarding motor vehicle dealers can be construed to apply to manufacturers or dealers of manufactured homes as defined in and manufactured pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974," 94 Stat. 1641, 5401, as amended (R.C. 4517.49).

Definitions

The bill repeals R.C. 3733.01 and transfers those definitions to R.C. 4781.01. The bill also modifies the definition of "agricultural labor camp" in R.C. 3733.41(A) by providing that "agricultural labor camp" does not include a manufactured home park, rather than a trailer park under existing law.

Biennial budget bill conforming changes

The bill removes references to manufactured home brokers within the motor vehicle dealers law (R.C. 4517.01, 4517.04, 4517.09, 4517.10, 4517.12, 4517.13, 4517.14, 4517.23, and 4517.44 and Sections 7 through 9) in order to conform with Am. Sub. H.B. 1 of the 128th General Assembly, which transferred licensing of manufactured home dealers to the Manufactured Homes Commission.

The bill makes these changes, except the change made to R.C. 3733.11, effective on the 91st day after bill, if enacted, is filed with the Secretary of State, or on July 1, 2010, whichever is later. R.C. 3733.11 is effective on the 91st day after the bill, if enacted, is filed with the Secretary of State.

Cross-reference and other changes

The bill repeals R.C. 3733.11 and 3733.111 effective July 1, 2011, and reenacts these two sections as R.C. 4781.40 and 4781.53. The bill also makes numerous cross-reference changes to R.C. 1901.18, 1901.11, 1923.01, 1923.02, 1923.061, 1923.15, 2305.01, 3701.83, 3709.085, 3709.09, 3709.092, 3729.01, 3733.41, 3781.06, 4503.061, 4503.062, 4743.05, 4781.04, 4781.07, 4781.14, 4781.15, 4781.27, 4781.28, 4781.29, 4781.30, 4781.31, 4781.32, 4781.33, 4781.34, 4781.35, 4781.36, 4781.37, 4781.38, 4781.39, 4781.41, 4781.42,

4781.43, 4781.44, 4781.45, 4781.46, 4781.47, 4781.48, 4781.49, 4781.50, 4781.51, 4781.52, 4905.90, and 6111.46.

HISTORY

ACTION	DATE
Introduced	05-19-09
Reported, H. Financial Institutions, Real Estate & Securities	01-21-10
Passed House (58-39)	02-24-10

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