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Final Analysis
Legislative Service Commission

Am. Sub. H.B. 368
125th General Assembly
(As Passed by the General Assembly)

Reps. Gibbs, Aslanides, Allen, Collier, McGregor, Faber, Taylor, Domenick, C. Evans, Niehaus, Walcher, Setzer, Distel, Perry, Seaver, Barrett, Calvert, Carmichael, Chandler, Cirelli, Gilb, Grendell, Hughes, T. Patton, Reidelbach, Reinhard

Sens. Amstutz, Armbruster, Robert Gardner, Schuler

Effective date: *

ACT SUMMARY

- Specifies that manufactured home parks are to be regulated separately from recreational vehicle parks, recreation camps, combined park-camps, and temporary park-camps as follows:
 - Requires the Environmental Protection Agency to adopt rules that establish standards governing the construction, operation, and maintenance of the works or means of collection, treatment, and disposal of sewage that is generated at recreational vehicle parks, recreation camps, combined park-camps, and temporary park-camps that are separate from such standards relative to manufactured home parks.
 - Separates continuing statutes governing recreational vehicle parks, recreation camps, combined park-camps, and temporary park-camps into a different Revised Code chapter from continuing statutes governing manufactured home parks.
 - Creates the Campground Licensing Fund, consisting of any fees that the Director of Health may collect for the licensure of

** The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.*

recreational vehicle parks, recreation camps, combined park-camps, or temporary park-camps, and retains the ongoing Health District Licensing Fund, consisting under the act of such fees related to manufactured home parks.

- Defines "park model," and specifies that the terms "dependent recreational vehicle" and "self-contained recreational vehicle" include a park model.

CONTENT AND OPERATION

Overview

Former law subjected manufactured home parks, recreational vehicle parks, recreation camps, combined park-camps, and temporary park-camps to the same regulatory scheme (secs. 3733.01 to 3733.082). (For definitions of these parks and camps, see "Definitions: clarification regarding manufactured home parks" and "Definitions unchanged by the act," below.) The act instead specifies that manufactured home parks are to be regulated separately from the other parks and camps and creates two parallel regulatory programs (Chapter 3729. and sec. 6111.46). As under the prior regulatory scheme, both programs include plan approval and license requirements.

Rules governing disposal of sewage

The act requires the Environmental Protection Agency to adopt rules that establish standards governing the construction, operation, and maintenance of the works or means of collection, treatment, and disposal of sewage that is generated at recreational vehicle parks, recreation camps, combined park-camps, and temporary park-camps that are separate from such standards relative to manufactured home parks (sec. 6111.46(B)).

Separation of language

In order to further highlight that manufactured home parks are to be regulated separately from the other types of parks and camps, the act separates the provisions governing them into two different Revised Code chapters. Continuing law governing manufactured home parks is retained in several sections in Chapter 3733. while the provisions that govern recreational vehicle parks, recreation camps, combined park-camps, and temporary park-camps are relocated from that chapter to Chapter 3729., a new chapter created by the act. This relocation is not a substantive change, but it accounts for most of the language that is amended or enacted by the act.

Clarification regarding existing licenses

The act specifies that licenses that were issued for recreational vehicle parks, recreation camps, combined park-camps, and temporary park-camps under former Revised Code Chapter 3733. remain in effect until their expiration, at which time they must be renewed in accordance with Revised Code Chapter 3729. as enacted by the act (Section 3).

Campground Licensing Fund

Under ongoing law retained by the act, health districts are responsible for licensing manufactured home parks, recreational vehicle parks, recreation camps, combined park-camps, and temporary park-camps. In order to determine whether a health district is in substantial compliance with the law governing licensure of the parks and camps, the Director of Health annually may survey each health district. If the Director finds that a health district is not in compliance with that law, the Director must assume responsibility for the district's licensure duties until compliance is regained and accordingly must collect license fees from licensees. (Secs. 3729.06 and 3733.031.)

Under law retained in part by the act, the Director must deposit these collected fees in the state treasury to the credit of the Health District Licensing Fund, which is created for the Director's use in his capacity as licensor. The act requires only fees collected for the licensure of manufactured home parks to be credited to this Fund. (Sec. 3733.031(B).) It then requires fees collected for the licensure of recreational vehicle parks, recreation camps, combined park-camps, or temporary park-camps instead to be deposited by the Director in the state treasury to the credit of the Campground Licensing Fund, which the act creates for the Director's use in his capacity as licensor (sec. 3729.06(B)).

Definition of "park model"

The act defines "park model" as a recreational vehicle that meets the American National Standard Institute Standard A119.5 (1988) for park trailers, is built on a single chassis, has a gross trailer area of not more than 400 square feet when set up, is designed for seasonal or temporary living quarters, and may be connected to utilities necessary for operation of installed features and appliances (sec. 3729.01(N)). In addition, the act specifies that the terms "dependent recreational vehicle" and "self-contained recreational vehicle" include a park model (sec. 3729.01(D) and (T)).

Under law retained, but relocated by the act, "self-contained recreational vehicle" means a recreational vehicle that can operate independent of connections to sewer and water and has plumbing fixtures or appliances all of which are

connected to sewage holding tanks located within the vehicle (sec. 3729.01(T)). The addition of "park model" to this definition thus impacts the regulation of recreational vehicle parks, which are defined in part as tracts of land used for parking five or more self-contained recreational vehicles (sec. 3729.01(S)).

Similarly, under law retained, but relocated by the act, "dependent recreational vehicle" means a recreational vehicle other than a self-contained recreational vehicle (sec. 3729.01(D)). Dependent recreational vehicles are included in the definition of "portable camping units," which also includes tents, portable sleeping equipment, and similar camping equipment used for travel, recreation, vacation, or business purposes (sec. 3729.01(P)). The addition of "park model" to the definition of "dependent recreational vehicle" thus also impacts the regulation of recreation camps, which are defined in part as tracts of land on which five or more portable camping units, including dependent recreational vehicles, are placed (sec. 3729.01(Q)).

Definitions: clarification regarding manufactured home parks

The act clarifies that continuing definitions of "recreational vehicle park," "recreation camp," and "combined park camp" do not include tracts of land used solely as a manufactured home park (sec. 3729.01(C), (Q), and (S)).

Under law retained, but relocated by the act, "recreational vehicle park" means any tract of land used for parking five or more self-contained recreational vehicles and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the park facilities and any tract of land that is subdivided for lease or other contract of the individual lots for the express or implied purpose of placing self-contained recreational vehicles for recreation, vacation, or business purposes. "Recreational vehicle park" does not include any tract of land used solely for the storage or display for sale of self-contained recreational vehicles or solely as a temporary park-camp. (Secs. 3729.01(S) and former 3733.01(B).)

Law retained, but relocated by the act defines "recreation camp" as any tract of land upon which five or more portable camping units are placed and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of the camp. A tract of land that is subdivided for lease or other contract of the individual lots is a recreation camp if five or more portable camping units are placed on it for recreation, vacation, or business purposes. "Recreation camp" does not include any tract of land used solely for the storage or display for sale of dependent recreational vehicles or solely as a temporary park-camp. (Secs. 3729.01(Q) and former 3733.01(G).)

Finally, under law retained, but relocated by the act, "combined park-camp" means any tract of land upon which a combination of five or more self-contained recreational vehicles or portable camping units are placed and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the park facilities. A tract of land that is subdivided for lease or other contract of the individual lots is a combined park-camp if a combination of five or more recreational vehicles or portable camping units are placed on it for recreation, vacation, or business purposes. "Combined park-camp" does not include any tract of land used solely as a temporary park-camp. (Secs. 3729.01(C) and former 3733.01(H).)

Definitions unchanged by the act

"Manufactured home park" means any tract of land upon which three or more manufactured or mobile homes used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of the park. "Manufactured home park" does not include any of the following: (1) a tract of land used solely for the storage or display for sale of manufactured or mobile homes or solely as a temporary park-camp, (2) a tract of land that is subdivided and the individual lots are for sale or sold for the purpose of installation of manufactured or mobile homes used for habitation and the roadways are dedicated to the local government authority, or (3) a tract of land within an area that is subject to local zoning authority and subdivision requirements and is subdivided, and the individual lots are for sale or sold for the purpose of installation of manufactured or mobile homes for habitation. (Secs. 3729.01(J) and 3733.01(A).)

"Manufactured home" has the same meaning as in the Building Standards Law, that is, a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to federal law and that has a permanent label or tag affixed to it, as specified in federal law, certifying compliance with all applicable federal construction and safety standards (sec. 3733.01(B)).

"Mobile home" has the same meaning as in the Motor Vehicles Law, that is, a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than 35 body feet in length or, when erected on site, is 320 or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home or as an industrialized unit (sec. 3733.01(B)).

"Temporary park-camp" means any tract of land used for a period not to exceed a total of 21 days per calendar year for the purpose of parking five or more

recreational vehicles, dependent recreational vehicles, or portable camping units, or any combination of them, for one or more periods of time that do not exceed seven consecutive days or parts thereof (secs. 3729.01(V) and former 3733.01(R)).

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	01-07-04	pp. 1370-1371
Reported, H. Agriculture & Natural Resources	03-24-04	p. 1734
Passed House (94-1)	04-21-04	pp. 1781-1782
Reported, S. Energy, Natural Resources & Environment	05-19-04	p. 1974
Passed Senate (33-0)	05-25-04	p. 1998

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