

**OHIO DEPARTMENT OF COMMERCE
DIVISION OF INDUSTRIAL COMPLIANCE AND
BOARD OF BUILDING STANDARDS**

To: Manufactured Home Inspectors, Manufactured Home Installers, Building Code Officials,
Manufactured Home Park Operators, and Manufactured Home Residents

From: Geoff Eaton, Superintendent of the Division of Industrial Compliance
Timothy Galvin, Chair of the Board of Building Standards

Date: March 2020

Re: ADVISORY STATEMENT – MANUFACTURED HOME REGULATION AND
OHIO’S BUILDING AND DESIGN CONSTRUCTION REQUIREMENTS

Background

Effective January 21, 2018, the Ohio Manufactured Homes Commission was abolished and its responsibilities were transferred to the Department of Commerce (Department) and divided between the Department’s Division of Industrial Compliance (DIC) and the Division of Real Estate and Professional Licensing. The exclusive authority given DIC included authority to adopt rules to be uniformly applied throughout Ohio governing installation of manufactured housing, the inspection of manufactured housing foundations and support systems, the inspection of the installation of manufactured housing, the training and licensing of manufactured housing installers, and the investigation of complaints concerning manufactured housing installers. Additionally, DIC has exclusive authority for the review and approval of manufactured home park developments.

Recently, the Board of Building Standards (Board) adopted an update to the Residential Code of Ohio (RCO) effective July 1, 2019. The 2019 RCO expanded the exemption from the RCO for all manufactured homes used as a dwelling or by a park operator to promote the sale/rental of manufactured homes.

Therefore, the installation or alteration of new or existing manufactured homes used as dwellings is outside the scope of RCO and is not regulated by certified local building departments. Federal Housing and Urban Development (HUD) regulations related to manufactured homes and installation standards (24 CFR, Parts 3280) provide that manufactured home approval is defined by the extent of the design approved by the DAPIA (Design Approval Primary Inspection Agency). The exemption in the RCO is consistent with the scope of HUD’s approval for a unit. Based on what is shown in the DAPIA-approved documents (the factory-completed construction and assembly of components sent from the factory shown in the documents), the Board’s design and construction requirements would not apply to that which is approved by HUD.

Inspection Authorities

Certified local building department and personnel

Certified local building department personnel are authorized to enforce the Board's rules, including the Ohio Building Code (OBC) and the Residential Code of Ohio (RCO). The application of these codes is limited by their scope, which is set forth in section 101.2 of each code.

Certified manufactured home inspectors

Certified manufactured home inspectors are authorized to perform plan review and installation inspections on behalf of DIC pursuant to contracts entered into by local building/health departments or third-party inspection agencies, who are certified by DIC. Employees of a certified local building/health department or a third-party inspection agency who are responsible for inspecting electrical wiring connection point established by DIC's installation standards to the manufactured home for compliance with the National Electrical Code must also hold Electrical Safety Inspector (ESI) certification issued by the Board.

DIC plans examiners/inspectors

DIC employees are authorized to enforce the OBC for state-owned buildings and in areas where there is no local certified non-residential building department. DIC employees are also responsible for the review and inspection of manufactured home park development.

Other inspection authorities

A manufactured home installation or the development in or of a manufactured home park may be subject to other inspection authorities, depending on the individual circumstances of the project. The following is a non-exhaustive list of other inspection authorities that may have jurisdiction to regulate an aspect of a manufactured home installation or manufactured home park development:

- Local zoning authority – may have authority regarding manufactured home installations and manufactured home park development (e.g., land use, setback distances)
- Local floodplain authority – may have authority regarding manufactured home installations on private property (Installations and development in manufactured home parks are subject to DIC's floodplain management authority.)
- Local fire protection authority – may have authority regarding development in or of a manufactured home park
- United States Army Corps of Engineers – may have authority regarding development in or of a manufactured home park that is in a wetland area
- Ohio Environmental Protection Agency – may have authority regarding development in or of a manufactured home park (e.g., sanitary sewerage systems, water systems)

- Ohio Department of Health/local health district - may have authority regarding development in or of a manufactured home park (e.g., sanitary sewerage systems, water systems)

Any regulatory powers that the above-listed entities may have are in addition to, not in place of, the authority of DIC for manufactured home installation or manufactured home park development or the authority of the applicable certified local or State building department for structures within the scopes of the RCO or OBC. Any party installing a manufactured home or performing development in or of a manufactured home park is responsible for determining what regulatory authorities may be involved and what inspections are required.

Utility Considerations

Utilities that serve a manufactured home (potable water, fuel oil, fuel gas, sanitary sewer, storm sewer, electricity, and communications) are regulated by a variety of agencies. Each utility has a unique demarcation to identify the change in jurisdictional authority. The demarcation is determined either in law, rule, or utility purveyor tariff. Examples of possible points of demarcation on site include:

- Potable water systems use a valve, a tap, or a meter depending on the source (private or public) of water and statutory requirements for the source.
- Electrical “service point” is determined by utility company tariff as approved by the Public Utilities Commission of Ohio (PUCO).
- Natural gas “point of delivery” is identified in the utility company tariff as approved by the PUCO from one of the defined points in the fuel gas code.
- Sewer systems identify an approved point of disposal or discharge as determined by the Department of Health or the Ohio EPA depending on the type and size of sewer (storm or sanitary).

Independent of the utility demarcation, DIC’s installation standards define a connection point for each applicable utility with respect to the manufactured home. The utility demarcation and the connection point established by DIC’s installation standards may not be the same, resulting in a potential gap in jurisdiction. The jurisdictional explanation below discusses this gap and explains what entity, if any, has responsibility for inspection of a specific utility.

Jurisdictional Explanations

REGULATION OF MANUFACTURED HOMES INSTALLATION IN MANUFACTURED HOME PARKS AND ON PRIVATE PROPERTY

DIC is responsible for the enforcement of DIC’s installation requirements for the placement of new and used manufactured homes, including their foundations and support systems. Certified manufactured home inspectors are authorized to perform plan reviews and inspect such installations on behalf of DIC, subject to the terms of their contracts with DIC.

REGULATION OF ALTERATIONS AND ADDITIONS TO MANUFACTURED HOMES IN MANUFACTURED HOME PARKS AND ON PRIVATE PROPERTY

Neither DIC rules nor the RCO regulate the alteration of or an addition to an existing manufactured home. This includes replacement of equipment such as hot water tanks, furnaces, etc. Owners should be aware that replacement of equipment with equipment not listed and labeled for use in a manufactured home or alterations inconsistent with the HUD-compliant design and construction are not recommended and may affect the safety of the structure. Additionally, as neither alterations nor additions are regulated by DIC or the Board's rules, local governments may adopt ordinances to regulate this work locally.

REGULATION OF STRUCTURES ACCESSORY TO MANUFACTURED HOMES IN MANUFACTURED HOME PARKS AND ON PRIVATE PROPERTY

Detached accessory structures such as detached decks, sheds, garages, etc. are within the scope of the RCO, including utility connections from the utility demarcation to the connection of the accessory structure if present, and are regulated by the local certified residential building department. However, detached decks and other accessory structures that do not exceed 200 sq. ft. do not require an approval from the local certified residential building department. Additionally, if there is no certified residential building department with jurisdiction, the owner is not required to obtain approval for detached accessory structure(s).

Attached accessory structures such as attached decks that are built at the factory as part of the manufactured home are subject to the Manufactured Homes Construction Safety Standards (MHCSS) and must be installed in accordance with the manufacturer's installation instructions. However, neither DIC rules nor the RCO regulate attached accessory structures that are not factory built. Owners should be aware that attaching structures to an existing manufactured home such as carports, decks, and other additions inconsistent with the HUD-compliant design and construction is not recommended and may affect the safety of the structure. Local governments may adopt ordinances to regulate this work locally.

REGULATION OF MANUFACTURED HOMES NOT USED AS DWELLING

Installations of all new manufactured homes are regulated by DIC's installation standards. If an *existing* manufactured home has a change of occupancy to a use as *anything* other than a dwelling or to promote the sale/rental of manufactured home parks in a manufactured home park, it is then regulated by the OBC and the applicable certified non-residential local or State building department would have jurisdiction.

REGULATION OF SITE-BUILT/COMMON AREA STRUCTURES IN MANUFACTURED HOME PARKS

Site-built structures (laundries, community buildings, offices, etc.) in manufactured home parks are commercial buildings, the construction and occupancy of which are subject to the OBC. The local certified non-residential building department has jurisdiction to enforce the OBC for these structures, including any utility connections within the scope of the OBC. If there is no local certified non-residential building department, then DIC has jurisdiction for enforcement of the OBC. For a site-built structure in a manufactured home park, the building

department having jurisdiction shall regulate the utility connection from the utility demarcation to the connection of the site-built structure.

While the construction and occupancy of a site-built structure in a manufactured home park are subject to the OBC, DIC must still approve the placement of *any* structure in a manufactured home park, including a site-built structure. DIC has the exclusive authority to regulate the location, layout, density, drainage, floodplain management, and other aspects of a manufactured home park as a whole. The placement of a structure may take a park out of compliance with DIC's rules or park plan approvals. Accordingly, prior to any development occurring in a manufactured home park, plans detailing the proposed development should first be approved by DIC or risk potential park noncompliance. Additionally, placement of a structure in a one-hundred-year floodplain or special flood hazard area in a manufactured home park will require a floodplain management permit to be obtained from DIC.

REGULATION AND INSPECTION OF UTILITIES SERVING A MANUFACTURED HOME IN MANUFACTURED HOME PARKS

The certified manufactured home inspector inspects the setting of new or resetting of existing manufactured homes including all applicable utility connections to the DAPIA-approved connection point of the manufactured home (unit). Separately, DIC has exclusive jurisdiction for manufactured home park development and all infrastructure including utility distribution serving manufactured homes. DIC-regulated utility infrastructure includes, but is not limited to:

- Site-installed electrical work from the utility service point (service drop, transformer, conductor splice, etc.) to and including the electrical equipment (pedestals, meter bases, outlets, etc.) where the unit's factory-supplied feeder conductors or plug are connected
- Site-installed potable water distribution from the supply source, regulated by department of city engineer, board of health of the health district, or water purveyor as applicable, to the unit's factory-supplied connection for the potable water distribution piping system
- Site-installed building sewer and related lateral piping from the unit's factory-supplied sanitary drain piping connection(s) to the point of disposal/discharge into an on-site sanitary treatment system or public sanitary sewer, regulated by department of city engineer, board of health of the health district, or sewer purveyor as applicable
- Site-installed fuel gas piping from the utility point of delivery (natural gas);
- Site-installed LP storage tank and piping (other fuel gas);
- Site-installed fuel oil storage tank and piping;
- Communication systems (phone, TV, internet) connectivity across a wire, fiber, or wavelength.

REGULATION AND INSPECTION OF UTILITIES SERVING A MANUFACTURED HOME ON PRIVATE PROPERTY

The certified manufactured home inspector inspects the setting of new or resetting of existing manufactured homes including their foundations and support systems. Neither DIC nor the Board has rules that address the construction related to utilities from the specific utility demarcation to the DAPIA-approved connection point of the manufactured home on private

property; consequently, any regulation of this work is left to the local government unless otherwise provided through other state agency regulation. Except for private water systems, private sanitary treatment systems, public sewer systems and building sewers regulated by the department of the city or county engineer, the board of health for the health district, or the utility purveyor, it is within the discretion of the local jurisdiction whether to provide inspection by a qualified person of the beyond the connection point as described above prior to utility service being provided. These may include:

- Site-installed electrical work from the utility service point (service drop, transformer, weather head, conductor splice, etc.) to the unit's factory-supplied electrical equipment
- Site-installed potable water distribution from the supply source to the unit's factory-supplied potable water distribution piping system
- Site-installed fuel gas piping from the utility point of delivery (natural gas) or storage tank and piping (LP) to the unit's factory-supplied connection for fuel gas distribution to appliances
- Site-installed fuel oil storage tank and piping connected to the unit's factory-supplied connection for fuel oil distribution to appliances
- Communication systems (phone, TV, internet) connectivity across a wire, fiber, or wavelength

Interpretations of Codes/Rules

While DIC and the Board are jointly issuing this Advisory Statement, DIC is the entity authorized to establish and interpret the codes and rules relating to the regulation of manufactured homes parks and installation of manufactured homes in the state of Ohio. The Board adopts the residential and nonresidential building codes of Ohio and, except as discussed above, manufactured homes are outside the scope of the these codes. Accordingly, any questions or inquiries related to a topic discussed in this Advisory Statement should be directed to the appropriate overseeing authority.

Division of Industrial Compliance
6606 Tussing Road
Reynoldsburg, OH 43068
614 | 644-2223
ic@com.state.oh.us

Ohio Board of Building Standards
6606 Tussing Road
Reynoldsburg, OH 43068
614 | 644 2613
bbs@com.state.oh.us