



COUNTY ADVISORY BULLETIN

CAB

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BULLETIN 1999-08

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SENATE BILL 142 OF THE 122ND GENERAL ASSEMBLY REVISES TAX LAWS FOR MANUFACTURED HOMES, ALLOWS PERMANENTLY SITED HOMES IN ALL ZONES THAT PERMIT SINGLE FAMILY HOMES, ALLOWS COUNTIES TO IMPOSE MANUFACTURED HOME TRANSFER TAX

Effective Date: March 30, 1999.

Revised Code Sections Affected: *Amended*- 303.21, 305.31, 319.202, 319.54, 321.261, 321.45, 322.01, 322.02, 322.021, 322.03, 322.05, 322.99, 323.151, 323.152, 323.153, 323.154, 323.155, 323.156, 323.31, 325.31, 519.21, 1151.349, 1345.71, 1506.01, 1521.01, 1923.01, 3733.01, 3733.02, 3733.021, 3733.022, 3733.025, 3733.06, 3733.101, 3733.11, 3733.19, 3781.06, 3781.07, 3781.10, 3781.181, 3791.04, 4501.01, 4503.04, 4503.042, 4503.06, 4503.061, 4503.062, 4503.063, 4503.064, 4503.065, 4503.066, 4503.067, 4503.19, 4503.21, 4503.99, 4505.01, 4505.06, 4505.08, 4505.11, 4505.20, 4511.701, 4517.01, 4517.03, 4517.30, 4703.18, 4733.18, 4905.90, 5117.01, 5701.02, 5715.39, 5728.01, 5739.02, 5741.02.

Enacted: 303.212, 322.06, 519.212, 3781.184, 5739.0210.

Lead Sponsor: Johnson (R-Columbus).

Senate Co-Sponsors: Blessing (R-Cincinnati), White (R-Manchester), Gardner (R-Madison), Watts (R-Columbus), Finan (R-Evendale).

House Co-Sponsors: Thomas (R-Columbus), Corbin (R-Dayton), Jolivet (R-Hamilton), Britton (D-Cincinnati), Grendell (R-Chesterland), Bender (D-Elyria), Opfer (D-Oak Harbor), Vesper (R-New Richmond), Garcia (R-Toledo), Ford (D-Toledo), Taylor (R-Norwalk), Callender (R-Willowick), Ogg (D-Sciotoville), Pringle (D-Cleveland), Johnson (R-New Concord), Mottley (D-North Royalton), Householder (R-Glenford), Boyd (D-Cleveland), Padgett (R-Coshocton), Terwilliger (R-Maineville), Roman (R-Akron), Krupinski (D-Steubenville), Metzger (R-New Philadelphia), Harris (R-Ashland), Olman (R-Maumee), Young (R-Painesville), Reid (R-Beavercreek), Stapleton (R-Washington Court House), Cates (R-West Chester), Netzley (R-Laura), Healy (D-Canton).

INTRODUCTION

Substitute Senate Bill 142 of the 122nd General Assembly (SB 142) makes a series of significant changes in Ohio law relating to manufactured homes. The primary purpose of the new law is to treat manufactured homes the same as conventionally built homes. Most of the changes made by the Act will affect local governments in the manner manufactured homes are treated for taxation and the application of land use and zoning law to manufactured homes.

While the Act makes extensive changes to the law as it relates to the taxation of manufactured homes, most of these changes will not become effective until January 1, 2000. This CAB will not focus on the details of the changes in tax law, but will focus on issues related to zoning, subdivision regulations, and building codes that are affected by the new law. These changes became effective on March 30, 1999.

SHORT SUMMARY OF TAX LAW AND OTHER CHANGES

While the primary purpose of this CAB is not to discuss the details of tax law changes relating to manufactured homes, some background on these issues may be of value to those responsible for the administration of land use controls. Table 1, at the end of this CAB summarizes, in very general terms, the changes in tax law included in SB 142.

Many of these changes include responsibilities for the county auditor, county treasurer, clerk of courts, and the county recorder. SB 142 includes changes in the law relating to the application of the real property tax to permanently sited manufactured homes; changes to the manufactured home tax; and, changes concerning how the sales and use tax is calculated on the sale of a new unit from a dealer and how the sales and use tax is applied to the sale of used manufactured homes.

The new law also includes extensive changes relating to delinquent taxes on manufactured homes and includes provisions so that owners who continue to pay the manufactured home tax instead of a real property tax are eligible for the 10% and the 2 ½% property tax credits in the same way as are the owners of other single family homes. The new law also includes provisions that detail how motor vehicle titles are surrendered and invalidated when a manufactured home is permanently sited and placed on the real property tax list, and requires that before any manufactured or mobile home is moved on a public road that a relocation notice must be obtained and attached to the rear of the home.

Finally, the Act gives the Board of County Commissioners permissive authority to enact a manufactured home tax at the same rate of any permissive real property transfer tax that has been enacted by the county. The topic of the new permissive manufactured home transfer tax will be addressed in detail in a future CAB, as the effective date of this new tax authority is January 1, 2000.

DEFINITIONS RELATED TO ZONING AND OTHER LAND USE REGULATIONS

Critical to understanding and administering local land use regulations under the new law is a series of statutory definitions. While only some of the definitions in Table 2 have been changed as a result of the enactment of S. B. 142, most of these definitions should prove useful in better understanding the new law. As a result of the enactment of this new law it may be a practical necessity to amend county and township zoning resolutions so that the definitions in a zoning resolution are consistent with those in Ohio law.

Many zoning resolutions contain definitions that are outdated and may make it difficult to comply with the new law. For example, definitions such as “sectional home”, “modular home”, and “trailer” are sometimes included in zoning resolutions. Because “sectional and modular homes” are not defined in state law, such definitions may create confusion in administering zoning regulations under the new law. Likewise, the definition of “trailer” in some zoning resolutions often refers to what is now defined as a mobile or manufactured home under Ohio law. Zoning authorities should thus consider changing definitions in the zoning resolution to conform with the definitions included under state law. Other provisions of the Act may require even more extensive changes in county and township zoning resolutions to assure that they are in compliance with some of the provisions of the new law.

PRE-EMPTION OF LOCAL ZONING RESOLUTIONS

One of the major purposes of SB 142 is to ensure that local zoning authorities allow manufactured homes under the same terms and conditions as they allow other single family homes. Under newly enacted Ohio Revised Code (ORC) Section 303.212, the authority of a county zoning resolution “to prohibit or restrict the location of a permanently sited manufactured home . . . in any district or zone in which single family homes are permitted” is prohibited. In the case of township zoning, ORC 519.212 has been enacted that contains the same language for township zoning.

Likewise, ORC Section 3781.184 (C) (1) provides that any manufactured home that is constructed in accordance with federal construction and safety standards established by the U. S. Department of Housing and Urban Development (HUD) and is a permanently sited manufactured home shall be a permitted use in any district or zone in which a political subdivision permits single-family homes. This section goes on to state that “no political subdivision may prohibit or restrict the location of a permanently sited manufactured home in any zone or district in which a single family home is permitted.” Under this language an attempt is made to pre-empt municipal zoning. However, this may be challenged on the basis that it violates municipal home rule powers.

As it relates to county and township zoning, the law is not a total pre-emption of county and township zoning authority. For example ORC 303.212 (B) clearly specifies that the new law does not limit the authority of a county zoning resolution to regulate in certain very specific ways that apply to manufactured homes. Similar provisions are included in ORC 519.212(B) and 3781.184(C) (2).

As a result of these new enactments, county and township zoning resolutions may not prohibit a manufactured home from a zoning district in which single family homes are a permitted use. This general prohibition, however, is limited as follows:

1. The manufactured home must qualify as a permanently sited manufactured home. In order to qualify as a permanently sited manufactured home, it must meet all of the following:
 - a. The structure is affixed to a permanent foundation and is connected to appropriate facilities;
 - b. The structure, excluding any addition, has a width of at least 22 feet at one point, a length of at least 22 feet at one point, and a total living area, excluding garages, porches, or attachments of at least 900 square feet;
 - c. The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a 6 inch minimum eave overhang, including appropriate guttering;
 - d. The structure was manufactured after January 1, 1995, and
 - e. The structure is not located in a manufactured home park.
2. The manufactured home must be constructed in accordance with the federal construction standards established by the Manufactured Housing and Construction and Safety Standards Act of 1974.
3. The manufactured home must have a permanent label or tag affixed to it as specified in federal law that certifies compliance with the federal construction and safety standards.
4. The zoning resolution may, however, require a permanently sited manufactured home to comply with all zoning requirements that are “uniformly imposed on all single-family residences within the district or zone. . . except requirements that specify a minimum roof pitch and requirements that do not comply with . . .” the HUD construction and safety standards.
5. The zoning resolution may also prohibit from any residential district or zone any manufactured home that does not qualify as a permanently sited manufactured home, a travel trailer, park trailer, or a mobile home.

Table 3, at the end of this CAB, includes a summary of the major changes contained in SB 142 that relate to land use and zoning issues including specific references to the appropriate section of the ORC.

DEED RESTRICTIONS RELATED TO MANUFACTURED HOMES

The new law (ORC Sections 303.212 (C), 519.212 (C), and 3781.184 (D)) includes language to ensure that these sections do not prohibit a private landowner from incorporating a restrictive covenant in a deed that would prohibit the inclusion of manufactured homes, permanently sited manufactured homes, travel trailers, mobile

homes, or park trailers on conveyed land. This new provision of law also specifies that this language “does not create a new cause of action or substantive legal right for a private landowner to incorporate such a restrictive covenant in a deed.”

PROVISIONS RELATING TO BUILDING CODES

Newly enacted ORC Section 3781.184 declares that every manufactured home must be constructed in conformance with HUD’s construction and safety standards, and that these “federal standards shall be the exclusive construction and safety standards. . . for Ohio. This section goes on to provide that “. . . neither the state nor any political subdivision of the state may establish any other standard governing the construction of manufactured homes.”

This language appears to codify what has already been determined by the federal courts --- that local building codes have been pre-empted by the federal construction and safety standards. Under the law, a county building code may regulate the foundation to which a manufactured home is attached and may impose standards related to the connection of utilities to the unit, but these are the only local regulations that may apply to manufactured homes.

In addition, as was previously noted, every manufactured home that is constructed in conformance with the HUD standards must have a permanent label or tag affixed to the unit that certifies its compliance with the federal construction and safety standards.

The Act also amends ORC 3781.181. This section generally requires the board of building standards to adopt rules establishing energy conservation standards for newly constructed one, two and three family dwellings. The amendment to this section requires that the rules concerning energy conservation for manufactured homes are met if the unit complies with the federal energy standards contained in 24 CFR 3280.

PROVISIONS RELATED TO MANUFACTURED HOME PARKS AND SUBDIVISION REGULATIONS

SB 142 changes the definition of a manufactured home park. The primary purpose of this change is assure that the size of lots subdivided for the purpose of installation of manufactured homes must comply with local zoning and subdivision requirements. Pursuant to court rulings, some counties had been unable to require compliance with local minimum lot sizes in a subdivision for manufactured homes that were larger than what is required of under manufactured home park requirements that are state regulations adopted by the Public Health Council.

The definition (ORC 3733.01 (A)) is amended to be sure that a manufactured home park does not include either:

- a. 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 roads within the subdivision are dedicated to a local government; or

- b. A tract of land within an area subject to local zoning 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.

In addition, ORC 3733.06 (B) provides that no operator of a manufactured home park is allowed to sell individual lots in a park for a period of eight years after the issuance of an initial license for a manufactured home park unless the park complies with platting and subdivision requirements or the political subdivision has entered into an agreement with the operator regarding these requirements and the owner has fulfilled the terms of the agreement. It appears that after the eight year period, manufactured home park lots can be sold to individual owners even if the lots do not comply with local platting and subdivision regulations.

Finally, the Act amends ORC 3733.02 by giving the Public Health Council the authority to adopt rules relating to “density” in mobile home parks. Since this section gives the Public Health Council “the exclusive power to adopt rules of uniform application. . .” relating to mobile home parks, this provision may have the effect of pre-empting zoning provisions that limit the density of homes within a manufactured home park. It appears that this is not a major change, however, because we understand that courts have previously ruled that a county zoning resolution could not require larger lot sizes through zoning in manufactured home parks than is required by state rules.

CONCLUSION

The enactment of SB 142 assures that manufactured homes are taxed and regulated on the same basis as other types of single family homes. The new law pre-empts local zoning in several ways that may necessitate changes to county and township zoning resolutions. The new law includes a series of definitions that should be considered for inclusion in county and township zoning resolutions.

Phil Laurien, Executive Director of the Delaware County Regional Planning Commission has prepared a new definition of Single Family Dwelling Unit that he recommends be included in county and township zoning resolutions. It is felt that this definition is the first step toward ensuring full compliance with SB 142. This definition is included as Exhibit #1 at the end of this CAB.

This is an area where there has been considerable local confusion in county and township zoning administration in the past. While many are always concerned when the General Assembly pre-empts local zoning powers, in this case and with careful amendments to zoning resolutions, the new law may actually make it easier to administer zoning as it relates to manufactured and mobile homes.

TABLE 1

SUMMARY OF TAX LAW CHANGES IN S.B. 142

TOPIC	CURRENT LAW	NEW LAW AS ENACTED
<p>Real Property Tax ORC 4503.06(B), 4505.11(H)</p>	<p>The Department of Taxation and the Attorney General have published guidelines that allow an owner of a manufactured home to forfeit motor vehicle title and have the home placed on the real property tax duplicate. The option to surrender the title is entirely up to the property owner and the county has no statutory obligation to allow placement on the real property tax duplicate.</p>	<p>Manufactured and mobile homes will be subject to real property tax under the following two sets of standards:</p> <p>(1) For units that “acquire situs” or where ownership is transferred on or after 1-1-2000 and the following apply:</p> <ul style="list-style-type: none"> a) It is on a permanent foundation. b) It is on land owned by the owner. c) Motor vehicle title has been inactivated. <p>(2) For units that “acquire situs” or where ownership is transferred before 1-1-2000 and the following apply:</p> <ul style="list-style-type: none"> a) It is on a permanent foundation. b) It is on land owned by the owner. c) The owners elects to have it taxed as real property. d) Motor vehicle title has been surrendered to the auditor, proof that all taxes have been paid, and the title has been inactivated. <p>To “acquire situs” a unit is located in Ohio pursuant to the issuance of a title and placement of the unit on real property. It does not include placement of the unit in the inventory of dealers, manufacturers or distributors.</p> <p>Under the new law, more units, over time, will probably become subject to real property taxes. Existing owners of manufactured and mobile homes have the option of changing to the real property tax, however, when these owners sell their units to a new owner, the new owner who chooses to remain on the manufactured home tax will pay an amount that is equal to the real property tax.</p>
<p>TABLE 1 CONTINUED</p>		

TOPIC	CURRENT LAW	NEW LAW AS ENACTED
<p>Manufactured Home Tax ORC 319.302, 321.45, 323.152-.156, 4503.06 (C) AND (D)</p>	<p>Manufactured and mobile homes pay the so-called “trailer tax” for the privilege of using or occupying a manufactured home. To determine the tax, 40% of the depreciated value of the unit is multiplied by the tax rate. The depreciated value of the home is determined using two schedules in law - one for units purchased without furnishings and the other for units purchased with furnishing.</p> <p>The minimum tax is \$36 unless the application of the homestead exemption results in a lower tax.</p>	<p>If a mobile or manufactured home is not taxed as real property it is subject to an annual manufactured home tax. There are two methods by which the tax may be calculated:</p> <p>(1) For units that “acquire situs” prior to 1-1-2000 the tax will continue to be calculated as under previous law.</p> <p>(2) For units that “acquire situs” or where ownership is transferred after 1-1-2000, the manufactured home tax is calculated by a method similar to the real property tax. The unit would be assessed at 35% of true value and the owner would be eligible for the 12 1/2% owner occupied property tax credit in addition to the homestead exemption.</p> <p>In the case where the owner of a unit qualifies for the calculation of the tax pursuant to the former law, the owner may request the auditor to use the new tax methodology. If the owner makes such a request, the auditor must make the change in the next tax year.</p>
TABLE 1 CONTINUED		
TOPIC	CURRENT LAW	NEW LAW AS ENACTED

<p>Sales and Use Tax ORC 5739.02, 5739.0210, 5741.02</p>	<p>New manufactured and mobile homes are now subject to the sales tax at time of purchase. The tax is collected at the rate in effect in the county where the unit is titled, and is paid on the total purchase price charged the owner. Likewise, a manufactured home purchased from an out of state dealer is subject to the use tax as is the sale of a used manufactured or mobile home.</p>	<p>The sales tax paid at the time of purchase of a new unit from a dealer will be based upon the price reflected in the dealers' invoice, not the full purchase price. The dealer may not charge an additional tax to the owner, but is permitted to pass the tax through to the purchaser as a part of the dealers costs. The new law thus effectively exempts the dealers mark-up from the sales tax.</p> <p>The use tax continues to be paid on a new unit purchased from an out-of-state dealer.</p> <p>In the case of a used manufactured or mobile home, however, neither the sales tax or the use tax is paid but the transfer is subject to new county permissive manufactured home transfer tax.</p>
<p>Permissive Manufactured Home Transfer Tax ORC 305.31, 322.01, 322.02, 322.03, 322.05, 322.06, 322.99, 5739.029</p>	<p>No current provision</p>	<p>Counties may enact a new permissive manufactured home transfer tax. The tax is collected on each title that conveys a used manufactured or mobile home on or after 1-1-2000.</p> <p>The tax is levied by resolution of the county commissioners and is subject to a referendum. If the tax is enacted by the commissioners, it must be set at the same rate as the real property transfer tax that applies to real property, including manufactured homes that are on the real property tax duplicate as provided for in SB 142.</p>
<p>Mandatory Transfer Fee</p>	<p>The current 1 mill (10 cents/\$100 of value) fee is applicable to only real property.</p>	<p>The law is changed to require the payment of the 1 mill mandatory fee on the transfer of used mobile or manufactured homes.</p>

TABLE 2 - IMPORTANT DEFINITIONS IN OHIO LAW - SB 142

ORC	DEFINITION
3781.06(C)(4)	<p>Manufactured Home means a building or 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 the “Manufacturing Housing Construction and Safety Standards Act of 1974,” 88 stat. 700, 42 U.S.C.A. 5401, 5403 and that has a permanent label or tag affixed to it, as specified in 42 5415, certifying compliance with all applicable federal construction and safety standards.</p>
3781.06(C)(6)	<p>Permanently Sited Manufactured Home means a manufactured home htat meets all of the following criteria:</p> <ul style="list-style-type: none"> ● the structure is affixed to a permanent foundation and is connected to appropriate facilities; ● the structure, excluding any addition, has a width of at least twenty-two feet at one point, a length of at least twenty-two feet at one point, and a total living area, excluding garages, porches or attachments or at least nine hundred square feet; ● the structure has a minimum 3:12 residential proof pitch, conventional residential siding, and six-inch minimum eave overhang, including appropriate guttering; ● the structure was manufactured after January 1, 1995; and ● the structure is not located in a manufactured home park as defined by section 3733.01 of the Revised Code.
4501.01(O)	<p>Mobile Home means a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five body feet in length or, when erected on site, is three hundred twenty 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 as defined in division (C)(4) of Section 3781.06 of the Revised Code or as an industrialized unit as defined in division (C)(3) of Section 3781.06 of the Revised Code.</p>
3781.06 (C)(3)	<p>Industrialized Home means a building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. “Industrialized Unit” includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. “Industrialized Unit” does not include a manufactured home as defined by division (C)(4) of this section or a mobile home as defined by division (O) of Section 4501.01 of the Revised Code.</p>

ORC	DEFINITION
4501.01(Q)	<p>Recreational Vehicle means a vehicular portable structure that is designed and constructed to be used as a temporary dwelling for travel, recreation, and vacation uses and is classed as follows:</p> <ul style="list-style-type: none"> ● “Travel trailer” means a self-propelled recreational vehicle that does not exceed an overall length of thirty-five feet, exclusive of bumper and tongue or coupling, and contains less than three hundred twenty square feet of space when erected on site. “Travel Trailer” includes a tent-type fold-out camping trailer as defined in Section 47173.01 of the Revised Code; ● “Motor Home” means a self-propelled recreational vehicle that is constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping; ● “Truck camper” means a nonself-propelled recreational vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle. “Truck camper” does not include truck covers that consist of walls and a roof, but do not have floors and facilities enabling them to be used as a dwelling; ● “Fifth wheel trailer” means a vehicle that is of such size and weight as to be movable without a special highway permit, that has a gross trailer area of four hundred square feet or less, that is constructed with a raised forward section that allows a bi-level floor plan, and that is designed to be towed by a vehicle equipped with a fifth-wheel hitch originally installed in the bed of a truck; and ● “Park trailer” means a vehicle that is commonly known as a park model recreational vehicle, meets the American national standard institute A119.5 (1988) for park trailers, is built on a single chassis, has a gross trailer area of four hundred square feet or less when set up, is designed for seasonal or temporary quarters, and may be connected to utilities necessary for the operation of installed features and appliances.
3733.01(A)	<p>Manufactured Home Park does not include any of the following:</p> <ul style="list-style-type: none"> ● 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; ● 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; and ● 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.
3733.01 (B)	<p>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 contact of the individual lots for the express or implied purpose of placing self-contained recreational vehicles for recreation, vacation or business purposes.</p>

ORC	DEFINITION
3733.01 (G)	<p>Recreational Camp means 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 recreational camp if five or more portable camping units are placed on it for recreation, vacation or business purposes.</p>
3733.01 (H)	<p>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.</p>
3733.01 (R)	<p>Temporary Park-Camp means any tract of land used for a period not to exceed a total of twenty-one days per calendar year for the purpose of parking five or more recreational vehicles, dependent recreational vehicles, or portable camping units, or any combination thereof, for one or more periods of time that do not exceed seven consecutive days or parts thereof.</p>
1506.01 (F)	<p>Permanent Structure (for purpose of coastal zone management act) means any residential, commercial, industrial, institutional or agricultural building, any mobile home as defined in division (O) of Section 4501.01 of the Revised Code, any manufactured home as defined in division (C)(4) of Section 3781.06 of the Revised Code, and any septic system that receives sewage from a single-family, two-family, or three-family dwelling, but does not include any recreational vehicle as defined in section 4501.01 of the Revised Code.</p>
1521.01 (M)	<p>Structure (for purpose of flood plain management law) means a walled and roofed building, including, without limitation, gas or liquid storage tanks, mobile homes and manufactured homes.</p>

TABLE 3
SUMMARY OF MAJOR PROVISIONS OF INTEREST TO PLANNING, ZONING & BUILDING CODE OFFICIALS / SB 142

ORC SECTION	GENERAL CONTENT
303.21	Consistency amendment to current law provisions dealing with limited authority to regulate dairying and animal and poultry husbandry in platted subdivisions and areas with 15 adjacent lots approved as “lot splits.”
303.212	<p>New ORC Section that limits the authority of county zoning resolutions to prohibit or restrict permanently sited manufactured homes in any zoning district where single family homes are permitted.</p> <p>This limitation only applies to permanently sited manufactured homes and continues to allow a county zoning resolution to apply all zoning requirements that are uniformly imposed on all single family residences with two exceptions: 1) requirements that specify a minimum roof pitch; and, 2) requirements that do not comply with standards established pursuant to the Manufactured Housing Construction and Safety Standards Act of 1974 (88 stat. 700, 42 USCA 5401).</p> <p>This section does not limit the authority of a county zoning resolution to prohibit from residential districts (1) travel trailers (2) park trailers (3) mobile homes, and (4) manufactured homes that do not qualify as permanently sited manufactured homes.</p> <p>This section also addresses the issue of private covenants or deed restrictions.</p>
519.21	Same as ORC 303.21 for Township Zoning.
519.212	Same as ORC 303.212 for Township Zoning.
1506.01	Consistency amendment in definition of “permanent structure” under coastal zone management law.
1521.01	Consistency amendment in definition of “structure” as it relates to flood plain management.
3733.01	Changes the definition of a “manufactured home park.”
3733.02	Provides that the Public Health Council must adopt rules relating to density in manufactured home parks. The Public Health Council has the exclusive power to adopt these regulations for uniform application throughout Ohio.
3733.021	Consistency amendment relating to plan approval of development within a manufactured home park, recreational vehicle park, recreation camp or a combined park-camp.

ORC SECTION	GENERAL CONTENT
3733.022	Consistency amendment relating to plan approval for development or replacement of manufactured homes or mobile homes in manufactured home parks located in 100 year flood plain.
3733.025	Consistency amendment relating to damaged mobile and manufactured homes in manufactured home parks.
3733.06	Prohibits the sale of individual lots in a manufactured home park for 8 years after issuance of an initial license unless the manufactured home park complies with local platting and subdivision regulations.
3781.06	Defines the following terms (1) Industrialized unit, (2) Manufactured Home, (3) Permanent Foundation, and (4) permanently sited manufactured home.
3781.181	Provides that manufactured homes that comply with federal energy standards automatically comply with state energy requirements of 1,2 and 3 family dwellings.
3781.184	<p>Declares that manufactured homes must comply with federal construction standards established by the "Manufactured Housing Construction and Safety Standards Act of 1974," (88 stat. 700, 42 USCA, 5401,5403).</p> <p>No political subdivision may establish any other standard or building code governing the construction of manufactured homes as these standards are the exclusive construction and safety standards in Ohio.</p> <p>Any manufactured home that is constructed in accordance with the federal standards and that is a permanently sited manufactured home is a permitted use in any zoning district in which a political subdivision permits single family homes. No political subdivision may prohibit or restrict the location of a permanently sited manufactured home in any zone or district where single family homes are permitted.</p> <p>This general pre-emption however, does not limit the authority of a political subdivision to: (1) require a permanently sited manufactured home to comply with all zoning requirements that are uniformly imposed to all single family residences except (a) requirements that specify a minimum roof pitch and (b) requirements that do not comply with federal construction and safety standards.</p> <p>This section does not limit the authority of political subdivisions to prohibit from any residential zoning district travel trailers, park trailers, mobile homes, and manufactured homes that are not permanently sited.</p> <p>This section also addresses the issue of private covenants or deed restrictions.</p>
4501.01	Establishes a new definition of mobile home and changes the definition of travel trailer.

Exhibit # 1
Proposed Definition of Single Family Dwelling

Prepared by Phil Laurien,
Executive Director, Delaware County Regional Planning Commission

Single Family Dwellings - Detached, individual dwelling units, which accommodate one family related by blood or marriage or up to five unrelated individuals living as one housekeeping unit.

The type of construction of such units shall conform either to the OBOA or CABO One and Two family dwelling code, be classified as an Industrialized Unit under the Ohio Basic Building Code, or conform to the definition of permanently sited manufactured housing contained in Senate Bill 142 of the 122nd General Assembly, which is as follows:

Permanently Sited Manufactured Housing must:

- a. Be manufactured pursuant to the HUD Code (Manufactured Home Construction and Safety Standards Act, 42 U.S.C. section 5401), after January 1, 1995.
- s. Be attached to a permanent frost-free foundation (slab, crawl space foundation or full foundation).
- t. Be connected to appropriate facilities.
- u. Have a length of at least 22 feet and a width of at least 22 feet.
- v. Have at least 900 square feet of living area, or whatever greater square footage is required by zoning.
- w. Have a conventional residential siding (i.e. lap, clapboard, shake, masonry, vertical natural materials, a 6-inch minimum eave overhang, and a minimum "A" roof pitch of 3:12.
- x. Have removed its indicia of mobility (temporary axles, trailer tongue, running lights) upon placement upon its foundation.
- y. Be intended to be assessed and taxed as permanent real estate, not personal property. The title for such structure shall be surrendered to the county auditor upon its placement on its permanent foundation, and such surrender shall be notice to the auditor to tax the structure as real property from that day forward..
- z. Meet all applicable zoning requirements (lot size, setbacks).